



# Albemarle County

## Legislation Text

---

**File #:** 20-190, **Version:** 1

---

**AGENDA DATE:** 2/19/2020

**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, Carr, 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 currently may be walked unleashed off of the owner's or custodian's property, subject to exceptions during lawful hunts and field trials. 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 Board held a public hearing on December 18, 2019 to consider an ordinance that would require dogs to be leashed when the dog is not on the owner's or custodian's property (the "leash law"), again subject to not only the exceptions for hunting and field trials, but also for training, in fenced dog parks or exercise areas, and certain service dogs. The leash law would have applied County-wide.

The Board received many public comments before and during the December 18 public hearing. Some comments supported the proposed ordinance, some opposed it, particularly if it was to apply to the County's agricultural zoning districts (the "Rural Areas" and the Monticello Historic districts, collectively, the "Rural Areas"), and some requested that the exceptions be broadened to apply in additional circumstances.

With respect to whether the leash law should apply in the Rural Areas, the Board discussed options ranging from having it apply in the Rural Areas, to exempting the Rural Areas altogether. One middle option discussed would exempt the Rural Areas from the leash law, but allow subdivisions in the Rural Areas to opt-in, subject to Board approval.

The Board deferred consideration of the proposed ordinance to February 19, 2020 to allow staff to further review the options being considered, particularly the option to exempt the Rural Areas but allow subdivisions in the Rural Areas to opt-in to the leash law.

**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:** Since the December 18, 2019 public hearing, staff reviewed the history of the County's running at large regulations, currently in County Code § 4-225, and reviewed the running at large and leash regulations of 31 Virginia localities.

#### History of County Code § 4-225

The County began requiring that a dog be under the owner's or custodian's immediate control in the non-Rural Area portion of the County in 1973, but allowed areas of the Rural Areas to opt-in to the running at large regulations. By 2012, all or part of 16 subdivisions, parts of the "Crozet area," and the County portion of the University of Virginia were subject to the running at large regulations.

In 2012, the Board amended the running at large regulation to have it apply County-wide. The April 11, 2012 executive summary identified several factors favorable and unfavorable for the change. The favorable factors included: (1) a potential reduction in the number of calls related to dog bites, dog versus companion animal complaints, and dog versus livestock incidents; (2) potential reduction in the number of stray dog reports received in the Rural Areas zoning district; (3) potential decrease in the number of hazard calls received for dogs being in the roadway, and dogs being struck by vehicles in the Rural Areas; and (4) elimination of "invisible" boundary lines between areas where dogs can and cannot run at large currently defined by the zoning designation of the property. One of the unfavorable factors was potential resistance from dog owners in the Rural Areas because the owners were not accustomed to restrictions on their dogs.

#### Summary of the regulations of other Virginia localities

The running at large regulations of 31 localities were reviewed. The clear theme of these regulations is that the more urbanized a locality is, the more likely it is to require that dogs be leashed. Of the eight city regulations reviewed, including the City of Charlottesville, seven require that dogs be leashed. Of those seven, only the City of Virginia Beach does not extend its leash law city-wide. However, of the 23 county regulations reviewed, only Arlington, Fairfax, and Prince William Counties require that dogs be leashed county-wide. Three other counties limit their leash laws to specific areas, determined by the land's zoning density (Loudoun), by whether the area is "public" (York) or by subdivision or mobile home park (Stafford).

#### The proposed ordinance

Staff considered a proposed leash law that would exempt the Rural Areas but allow subdivisions to opt-in subject to Board approval. This sample ordinance is included as Attachment B. However, the Albemarle County Police Department has stated that the enforceability of such an ordinance in and around the Rural Areas subdivisions would be difficult, as it was prior to 2012, and therefore recommends that any leash law apply County-wide (Attachment A). Attachments A and B also include the additional exceptions identified by the Board and the public comments. A third option, to have the leash law apply only in the non-RA zoning districts, is also available, though enforceability near the RA-non-RA district boundaries would be difficult because there is industrial, commercial, and residential zoning in the part of the County designated in the Comprehensive Plan as Rural Area, and there is agricultural zoning in the part of the County designated in the Comprehensive Plan as Development Areas.

**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

B - Sample Ordinance allowing Rural Area subdivisions to opt-in

