

ORD-3186

1 AN ORDINANCE TO AMEND SECTIONS 6-5
2 AND 6-12 OF THE CITY CODE PERTAINING
3 TO ANIMALS ON THE BEACH
4

5 SECTIONS AMENDED: §§ 6-5 and 6-12
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7 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VIRGINIA
8 BEACH, VIRGINIA:
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10 That Sections 6-5 and 6-12 of the Code of the City of Virginia Beach, Virginia,
11 are hereby amended and reordained to read as follows:
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13 **Sec. 6-5. Animals on beach and adjacent areas.**
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15 (a) It shall be unlawful for any person who owns or has control of any animal to
16 permit such animal to be on the public sand beaches, the boardwalk or the grassy area
17 west of the boardwalk to the property lines from Rudee Inlet on the south to 42nd Street
18 on the north during the period from 6:00 p.m. on the Friday before Memorial Day
19 through 6:00 p.m. Labor Day of each year, such period hereinafter referred to as the
20 "season."
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22 (b) It shall be unlawful for any person who owns or has control of any animal to
23 permit such animal to be on any other public sand beaches within the city during the
24 season; provided, however, that a dog or cat may be permitted on said beaches in the
25 custody of or under the control of a responsible person during the season between the
26 hours of 6:00 p.m. and 10:00 a.m. the following day.
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28 (c) It shall be unlawful during the season for any person to have in his
29 possession or under his control any animal, other than a dog or cat, on Atlantic Avenue
30 or in the parks and connector streets between Atlantic Avenue and the boardwalk, from
31 Rudee Inlet to 42nd Street, unless such animal is in an escape-proof container.
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33 (d) Any person who owns or has control of any animal shall not knowingly or
34 willfully permit such animal to litter any public sand beaches within the city or to litter the
35 boardwalk or the grassy area west of the boardwalk to the property lines from Rudee
36 Inlet on the south to 42nd Street on the north, at any time. In the event such animal
37 shall defecate on the public sand beaches within the city, or on the boardwalk or the
38 grassy area west of the boardwalk to the property lines from Rudee Inlet on the south to
39 42nd Street on the north at any time, the person who owns or has control of such
40 animal shall immediately remove all feces deposited thereon by such animal and
41 dispose of same in a sanitary manner approved by the department of public health,
42 such as by encasing same in an airtight wrapper or container and placing same in a
43 garbage receptacle. Failure to so remove said feces in accordance with the provisions
44 of this subsection shall constitute a Class 1 misdemeanor.

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46 (e) Notwithstanding the above, it shall be unlawful for any person who owns or
47 has control of any animal to permit such animal to be on any ~~public~~ sand beaches within
48 the city, at any time, unless such person shall have in his possession a container of
49 sufficient size and adequate design to remove and dispose of all feces deposited
50 thereon by such animal, in accordance with the provisions of subsection (d).

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52 (f) With the exception of subsections (d) and (e), the provisions of this section
53 shall not be applicable to a guide dog, hearing dog or service dog trained to accompany
54 a person with a disability while being accompanied by such person, or to any dog or
55 horse in the custody or control of a law enforcement officer while such officer is in the
56 performance of his duties.

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58 (g) For purposes of this section, the term "animal" shall be deemed to include,
59 but not be limited to, any mammal, bird, or reptile.

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63 **Sec. 6-12. Riding horses or driving vehicles on beach or dunes.**

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65 (a) It shall be unlawful for any person to ride a horse or any other animal or to
66 operate or drive a vehicle of any kind on the ~~public~~ sand beaches or upon the sand
67 dunes within the city, except that area between the ocean and sand dunes south of the
68 exit ramp at the southern end of Little Island Recreation Park (now being used as a
69 public way to commute back and forth to a place of residence).

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71 (b) The provisions of this section shall not apply to the police mounted patrol,
72 city vehicles operated while cleaning or working on the beach, police and emergency
73 vehicles, erosion commission vehicles, vehicles of net fishermen operating under proper
74 permits, vehicles operated by physically handicapped persons by permission of the city
75 manager or his designee, or vehicles operated by wildlife rescue workers pursuant to
76 written authorization by the police department's second precinct commander.

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78 (c) The provisions of this section shall not apply in the resort area to conduct
79 that is explicitly authorized by a special events permit issued pursuant to City Code
80 Section 4-1 or by franchise awarded by the city council.

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Adopted by the City Council of the City of Virginia Beach, Virginia, on this 28th
day of June, 2011.