

# ORD - 3235

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

5 SECTION AMENDED: § 6-5

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8 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VIRGINIA  
9 BEACH, VIRGINIA:

10  
11 That Section 6-5 of the Code of the City of Virginia Beach, Virginia, is hereby  
12 amended and reordained to read as follows:  
13

14 **Sec. 6-5. - Animals on beach and adjacent areas.**

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 sand beaches, the boardwalk or the grassy area west  
17 of the boardwalk to the property lines from Rudee Inlet on the south to 42nd Street on  
18 the north during the period from 6:00 p.m. on the Friday before Memorial Day through  
19 6:00 p.m. Labor Day of each year, such period hereinafter referred to as the "season."

20 (b) It shall be unlawful for any person who owns or has control of any animal to  
21 permit such animal to be on any other sand beaches within the city during the season;  
22 provided, however, that a dog or cat may be permitted on said beaches in the custody  
23 of or under the control of a responsible person during the season between the hours of  
24 6:00 p.m. and 10:00 a.m. the following day.

25 (c) It shall be unlawful during the season for any person to have in his possession  
26 or under his control any animal, other than a dog or cat, on Atlantic Avenue or in the  
27 parks and connector streets between Atlantic Avenue and the boardwalk, from Rudee  
28 Inlet to 42nd Street, unless such animal is in an escape-proof container.

29 (d) Any person who owns or has control of any animal shall not knowingly or  
30 willfully permit such animal to litter any sand beaches within the city or to litter the  
31 boardwalk or the grassy area west of the boardwalk to the property lines from Rudee  
32 Inlet on the south to 42nd Street on the north, at any time. In the event such animal  
33 shall defecate on the sand beaches within the city, or on the boardwalk or the grassy  
34 area west of the boardwalk to the property lines from Rudee Inlet on the south to 42nd  
35 Street on the north at any time, the person who owns or has control of such animal shall  
36 immediately remove all feces deposited thereon by such animal and dispose of same in  
37 a sanitary manner approved by the department of public health, such as by encasing  
38 same in an airtight wrapper or container and placing same in a garbage receptacle.  
39 Failure to so remove said feces in accordance with the provisions of this subsection  
40 shall constitute a Class 1 misdemeanor.

41 (e) Notwithstanding the above, it shall be unlawful for any person who owns or  
42 has control of any animal to permit such animal to be on any sand beaches within the

43 city, at any time, unless such person shall have in his possession a container of  
44 sufficient size and adequate design to remove and dispose of all feces deposited  
45 thereon by such animal, in accordance with the provisions of subsection (d).

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

51  
52 (g) For purposes of this section, the term "animal" shall be deemed to include, but  
53 not be limited to, any mammal, bird, or reptile.

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55 (h) The provisions of this section may also be enforced by city animal control  
56 officers.

Adopted by the City Council of the City of Virginia Beach, Virginia, on this 22<sup>ND</sup>  
day of May, 2012.

APPROVED AS TO CONTENT:

APPROVED AS TO LEGAL SUFFICIENCY:

  
Police Department

  
City Attorney's Office

CA12227  
R-1  
March 16, 2012