

ORD-3334

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

14 (a) For purposes of this section:

15 (1) the term "animal" shall be deemed to include, but not be limited to, any  
16 mammal, bird, or reptile;

17 (2) the term "owner" means any person who: (i) has a right of property in an  
18 animal; (ii) keeps or harbors an animal; (iii) has an animal in his care; (iv)  
19 acts as a custodian of an animal; or (v) is in possession of an animal; and

20 (3) the term "season" means the period from 6 p.m. on the Friday before  
21 Memorial Day through 6 p.m. Labor Day of each year.

22  
23 (b) It shall be unlawful for the owner of a dog present on any sand beach to fail  
24 to maintain control of the dog.

25  
26 ~~(a)(c) It shall be unlawful for any person who owns or has control of any the~~  
27 ~~owner of any animal to permit such animal to be on the sand beaches, the boardwalk or~~  
28 ~~the grassy area west of the boardwalk to the property lines from Rudee Inlet on the~~  
29 ~~south to 42nd Street on the north during the season, period from 6:00 p.m. on the~~  
30 ~~Friday before Memorial Day through 6:00 p.m. Labor Day of each year, such period~~  
31 ~~hereinafter referred to as the "season."~~

32  
33 (d) It shall be unlawful for the owner of any animal to permit such animal to be  
34 on the boardwalk or the grassy area west of the boardwalk to the property lines during  
35 the season; provided, however, that a leashed dog, under the control of the owner, may  
36 be permitted on the boardwalk and the grassy area west of the boardwalk to the  
37 property lines during the season between the hours of 6 a.m. and 10 a.m.

38  
39 ~~(b)(e) It shall be unlawful for any person who owns or has control of any the~~  
40 ~~owner of any animal to permit such animal to be on any other sand beaches within the~~  
41 ~~city during the season; provided, however, that a dog or cat may be permitted on said~~  
42 ~~beaches in the custody of or under the control of a responsible during the season;~~

43 provided, however, that a dog may be permitted on beaches other than the beaches  
44 listed in subsection (c) during the season between the hours of 6:00 p.m. and 10:00  
45 a.m. the following day if leashed or under the control of the owner.  
46

47 ~~(e)(f)~~ It shall be unlawful ~~during the season for any person to have in his~~  
48 ~~possession or under his control any animal, other than a dog or cat, for the owner of any~~  
49 ~~animal to have the animal on Atlantic Avenue,~~ or in the parks and connector streets  
50 ~~between Atlantic Avenue and the boardwalk, from Rudee Inlet to 42nd Street, unless~~  
51 ~~such animal is in an escape-proof container. This provision shall not be applicable to~~  
52 ~~leashed dogs.~~  
53

54 ~~(d)(g)~~ ~~Any person who owns or has control of any~~ No owner of any animal shall  
55 ~~not~~ knowingly or willfully permit such animal to litter any sand beaches within the city or  
56 to litter the boardwalk or the grassy area west of the boardwalk to the property lines  
57 from Rudee Inlet on the south to 42nd Street on the north, at any time. In the event such  
58 animal shall defecate on the sand beaches within the city, or on the boardwalk or the  
59 grassy area west of the boardwalk to the property lines from Rudee Inlet on the south to  
60 42nd Street on the north at any time, the person who owns or has control of such  
61 animal shall immediately remove all feces deposited thereon by such animal and  
62 dispose of same in a sanitary manner approved by the department of public health,  
63 such as by encasing same in an airtight wrapper or container and placing same in a  
64 garbage receptacle. Failure to so remove said feces in accordance with the provisions  
65 of this subsection shall constitute a Class 1 misdemeanor.  
66

67 ~~(e)(h)~~ Notwithstanding the above, it shall be unlawful for ~~any person who owns~~  
68 ~~or has control of any~~ the owner of any animal to permit such animal to be on any sand  
69 beaches within the city, at any time, unless such person shall have in his possession a  
70 container of sufficient size and adequate design to remove and dispose of all feces  
71 deposited thereon by such animal, in accordance with the provisions of subsection  
72 ~~(d)(g)~~.  
73

74 ~~(f)(i)~~ With the exception of subsections ~~(d)(g)~~ and ~~(e)(h)~~, the provisions of this  
75 section shall not be applicable to a guide dog, hearing dog or service dog trained to  
76 accompany a person with a disability while being accompanied by such person, or to  
77 any dog or horse in the custody or control of a law enforcement officer while such officer  
78 is in the performance of his duties.  
79

80 ~~(h)~~ (j) The provisions of this section may also be enforced by city animal control  
81 officers.

Adopted by the City Council of the City of Virginia Beach, Virginia, on this 25<sup>th</sup>  
day of March, 2014.