



CITY OF VIRGINIA BEACH AGENDA ITEM

ITEM: An Ordinance to Amend Sections 6-5 of the City Code Pertaining to Animals on the Beach and Adjacent Areas

MEETING DATE: February 21, 2023

■ **Background:** Prior to 2014, the City Code prohibited animals on the boardwalk during the resort season (Memorial Day to Labor Day). In March 2014, following an endorsement by the Resort Advisory Commission (“RAC”), the City Council adopted an ordinance requested by then-Councilmember Wilson to authorize a leashed dog, under the control of its owner, to be on the boardwalk during the resort season (Memorial Day to Labor Day) between the hours of 6 a.m. and 10 a.m. This allowance has been a well-received amenity to City residents and visitors, but visitors and some residents may not know the rules for when such activity is permissible, and several hoteliers at a recent RAC meeting stated that the off-season prohibition is costing them business. Many hoteliers would like their properties to be pet friendly, but their guests would complain if they were unable to walk their dogs on the boardwalk except during a four-hour period in the morning. City residents, including those who reside in the Resort Area, need to walk their dogs daily, regardless of the season.

■ **Considerations:** This ordinance amends the City Code to authorize leashed dogs, under the control of their owners, on the boardwalk between the hours of 6 a.m. and 7 p.m. during the resort season. Expanding this access to one of the City’s greatest public amenities would benefit City residents, both of the Resort Area and the City at large, as well as visitors and the tourism industry. The City Code does not currently restrict the times of day when a leashed dog may be walked on the boardwalk after Labor Day and before Memorial Day; the restriction applies only during the resort season.

■ **Public Information:** Public information will be provided through the normal Council agenda process.

■ **Recommendations:** Adopt ordinance

■ **Attachments:** Ordinance

Requested by Mayor Dyer, Vice Mayor Wilson and Councilmembers Berlucchi, Holcomb, Remick, Ross-Hammond, Rouse, and Schulman

**REQUESTED BY MAYOR DYER, VICE MAYOR WILSON AND COUNCILMEMBERS
BERLUCCHI, HOLCOMB, REMICK, ROSS-HAMMOND, ROUSE AND SCHULMAN**

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
7

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) acts
19 as a custodian of an animal; or (v) is in possession of an animal; and

20 (3) The term "season" means the period from 6:00 p.m. on the Friday before
21 Memorial Day through 6:00 p.m. Labor Day of each year.

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

24 (c) It shall be unlawful for the owner of any animal to permit such animal to be on the
25 sand beaches from Rudee Inlet on the south to 42nd Street on the north during the
26 season.

27 (d) It shall be unlawful for the owner of any animal to permit such animal to be on the
28 boardwalk or the grassy area west of the boardwalk to the property lines during the
29 season; provided, however, that a leashed dog, under the control of the owner,
30 may be permitted on the boardwalk and the grassy area west of the boardwalk to
31 the property lines during the season between the hours of 6:00 a.m. and 7
32 p.m.~~4:00 a.m.~~ If the City Manager or designee concludes that an emergency,
33 adverse weather event, special event or other special circumstance causes the
34 walking of leashed dogs on the boardwalk to present a public safety risk, the City
35 Manager or designee may prohibit the walking of leashed dogs for the time period
36 necessary to protect public safety.

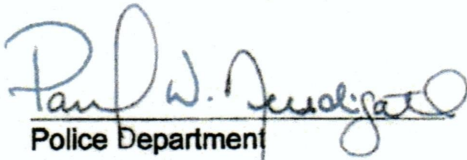
37 (e) It shall be unlawful for the owner of any animal to permit such animal to be on any
38 sand beach during the season; provided, however, that a dog may be permitted on

- 39 beaches other than the beaches listed in subsection (c) during the season between
40 the hours of 6:00 p.m. and 10:00 a.m. if leashed or under the control of the owner.
- 41 (f) It shall be unlawful for the owner of any animal to have the animal on Atlantic
42 Avenue, or in the parks and connector streets between Atlantic Avenue and the
43 boardwalk, from Rudee Inlet to 42nd Street, unless such animal is in an escape-
44 proof container. This provision shall not be applicable to leashed dogs.
- 45 (g) No owner of any animal shall knowingly or willfully permit such animal to litter any
46 sand beaches within the city or to litter the boardwalk or the grassy area west of the
47 boardwalk to the property lines from Rudee Inlet on the south to 42nd Street on the
48 north, at any time. In the event such animal shall defecate on the sand beaches
49 within the city, or on the boardwalk or the grassy area west of the boardwalk to the
50 property lines from Rudee Inlet on the south to 42nd Street on the north at any
51 time, the person who owns or has control of such animal shall immediately remove
52 all feces deposited thereon by such animal and dispose of same in a sanitary
53 manner approved by the department of public health, such as by encasing same in
54 an airtight wrapper or container and placing same in a garbage receptacle. Failure
55 to so remove said feces in accordance with the provisions of this subsection shall
56 constitute a Class 1 misdemeanor.
- 57 (h) Notwithstanding the above, it shall be unlawful for the owner of any animal to permit
58 such animal to be on any sand beaches within the city, at any time, unless such
59 person shall have in his possession a container of sufficient size and adequate
60 design to remove and dispose of all feces deposited thereon by such animal, in
61 accordance with the provisions of subsection (g).
- 62 (i) With the exception of subsections (g) and (h), the provisions of this section shall not
63 be applicable to a guide dog, hearing dog or service dog trained to accompany a
64 person with a disability while being accompanied by such person, or to any dog or
65 horse in the custody or control of a law enforcement officer while such officer is in
66 the performance of his duties.
- 67 (j) The provisions of this section may also be enforced by city animal control officers.

Adopted by the City Council of the City of Virginia Beach, Virginia, on this ____
day of _____, 2023.

APPROVED AS TO CONTENT:

APPROVED AS TO LEGAL SUFFICIENCY:


Paul W. Judge
Police Department


Roderich J.
City Attorney's Office

CA16030
R-4
February 15, 2023