

# Information Regarding Prince William County Dog Leash Ordinance

## Background

- Virginia Code §§ 3.2-6538 and 6539 enable localities to enact ordinances prohibiting dogs from running at large.
- Prince William County enacted County Code § 4-23 pursuant to the State enabling legislation.
- Some residents of a homeowners' association in Prince William County mistakenly believe that the dog leash ordinance does not apply to the common areas within their community, and do not keep their dogs under their physical control in such areas. (Homeowners' Associations may designate fenced dog parks/dog exercise areas where owners may have their dogs off leash; such parks/areas are limited exceptions to the rule that dogs must be under the physical control of their owners within common areas.)
- Every real property owner within a community is entitled to the use and enjoyment of common areas equally with all other owners because common areas are not included with any particular unit or parcel. Common areas include, but are not limited to, a clubhouse, community walking path/trails, swimming pool, playground equipment, stairways/elevators, and parking lots.

## Dog Leash Ordinance

- County Code § 4-23 (a) provides that "It shall be unlawful for the owner of any dog to permit or allow such dog to run or be at large within the county. For the purposes of this section, a dog shall be deemed to be 'at large' when off the property or premises of its owner or custodian and not under the control of the owner or custodian or his agent, either by leash, cord or chain. **'Property or premises of its owner,' for purposes of this section, shall not refer to townhouse, condominium or RPC property held in common.'**"
- The last sentence of this section of the ordinance clarifies the phrase "property or premises of its owner," which appears in the preceding sentence. It establishes that common areas cannot be owned or claimed as the property of any individual owner residing in the community, and therefore that common areas are in fact covered under the ordinance. A dog cannot be off leash in the common areas. If a dog is located on common property free of its owner's control, it is running at large in violation of the ordinance. This provision does not state that the ordinance is inapplicable in common areas.
- The Prince William County Police Department enforces the ordinance accordingly when it becomes aware that an individual has a dog off leash in the common areas of a community. It is the Police Department's practice first to have a conversation with the individual, informing them of the requirements of the leash law; to issue a warning if there is a second occurrence; and to charge them with a violation of the ordinance when their dog is found to be running at large a third time.