

CHAPTER 2 ANIMALS AND FOWL

This is a provisional copy of Arlington County Code Chapter 2 that incorporates amendments approved by the Arlington County Board on September 20, 2017. It is provided to assist residents in complying with new regulations. An official version of Chapter 2 will be published according to established procedures in October 2017.

AMENDMENT TO CHAPTER 2 THE ARLINGTON COUNTY CODE TO INCLUDE PROHIBITION OF WILD OR EXOTIC ANIMALS, EXCEPT AS PROVIDED HEREIN.

BE IT ORDAINED by the County Board of Arlington County, Virginia that Chapter 2, Article II, §§2-4, 2-6, 2-7, 2-9 and 2-10; Article III, §2-14; Article V, §§2-18, 2-19, 2-19.1, and 2-20, 2-20.1, and 2-20.2; Article VI, §2-21, and Article VII, §2-22 of the Arlington County Code is amended, reenacted and recodified to read in pertinent part, as follows:

ARLINGTON COUNTY CODE

Chapter 2

ANIMALS AND FOWL

Article I. In General

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- § 2-2. Same--Prohibited.
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Article II. Animals

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ARTICLE I.

IN GENERAL

§ 2-1. Fowl Running at Large--Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

“Fowl” means chickens, hens, roosters, guineas, ducks, geese, turkeys and poultry of all kinds, whether herein specifically enumerated or not.

“Manager” means any owner or possessor and any person having the management and control of any fowl.

“Owner” means any person owning any fowl.

“Possessor” means any person having the possession of any fowl. (9-14-35)

§ 2-2. Same--Prohibited.

It shall be unlawful for the owner, possessor or manager of any fowl to permit the same to go upon and trespass upon the lands in the County owned, occupied or leased by any other person.
(9-14-35)

§ 2-3. Keeping Pigs, Hogs, Etc.

It shall be unlawful for any person to keep or maintain, or to permit to be kept or maintained, any pig, shoat, sow, hog or other porcine animal anywhere within the confines of the County.
(9-14-35)

ARTICLE II.

ANIMALS

§ 2-4. Definitions.

The following words and terms, when used in this article, shall have the following meanings unless the context clearly indicates otherwise:

“Dog” means both male and female.

“Officer” means any police officer, Animal Control Officer, Deputy Animal Control Officer, and all other persons employed by the County whose duty it is to preserve the peace, to make arrests, or to enforce the law.

“Own” and “owner” means any person having a right of property in a dog, and any person who keeps or harbors a dog, or has it in his care, or who acts as its custodian, and any person who permits a dog to remain on or about any premises occupied by him.

“Running at large” means any dog while roaming, running or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control.
(6-1-56; 10-12-64; Ord. No. 83-25, 8-13-83)

“Animal Control Agency” means the entity responsible for animal control and animal pound services for Arlington County.

§ 2-5. Running at Large Prohibited; Removal of Droppings.

A. It shall be unlawful for the owner of any dog to permit such dog, whether licensed or unlicensed to run at large in the County, and any person who, after being notified by any landowner or officer that his dog is running at large, permits his dog to run at large thereafter, shall be deemed to have violated the provisions of this Code.

B. The owner of a dog shall be responsible for the removal of the dog's excretion from any property other than the dog owner's property and between the edges or curbs of public streets.
(8-9-75)

§ 2-6. Leashing Dogs.

All dogs shall be kept secured by a leash or lead, and under the control of the owner or other responsible person, or within the real property limits of its owners. A waiver to this requirement for a specific time and place may be obtained from the Animal Control Officer's office for such activities as off-lead training, obedience matches and trials, when the dog has a skin condition which would be exacerbated by the wearing of a collar, and other activities which promote animal control. Nothing in this section of the County Code nor in any other section shall be deemed to make unlawful the exercising of dogs not upon a leash in areas of the County specifically designated for such exercising.

(12-20-75; 11-14-81; Ord. No. 83-25, 8-13-83)

§ 2-6.1. Tethering of Dogs.

A. Except when a dog's owner, guardian or custodian is physically within reach of the dog, it shall be unlawful for any person to tether a dog to a chain, rope or line of any kind that is too short to enable the dog easily to stand, sit, lie down, turn about, and make all other normal body movements in a comfortable, normal position for the animal, and reach shade as necessary, for more than three (3) hours cumulatively within any twenty-four (24) hour period, regardless of whether the tethered dog has been provided adequate space during parts of such period. For the purposes of this section, "adequate space" shall have the meaning given to it in Title 3.2 of the Code of Virginia. When the same dog is observed to be tethered in the same location that it was in after an initial observation of the dog in that location, then there shall be a rebuttable presumption that the dog has been continuously tethered in that location since the initial observation.

B. Notwithstanding any other part of this section, a dog may be attached to a running cable line or trolley system that allows it to reach shelter and water as necessary, except that no dog may be confined to such a running cable line or trolley system for more than twelve (12) hours cumulatively within any twenty-four (24) hour period. When the same dog is observed to be tethered in the same location on a least two (2) subsequent occasions in the twenty-four (24) hour period that follows an initial observation of the dog in that location, then there shall be a rebuttable presumption that the dog has been tethered in that location for more than twelve (12) hours cumulatively in the twenty-four (24) hour period since the initial observation. A running cable line or trolley system is defined as one that is at least 20 feet in length and is mounted at least four (4) feet, but no more than seven (7) feet, above the ground. Under no circumstances shall a dog be attached to a running cable line or trolley system unless the tether attaching it to the running cable line or trolley system is at least ten (10) feet in length or three (3) times the length of the animal, as measured from the tip of its nose to the base of its tail, whichever is longer.

(Ord. No. 13-06, 10-19-13).

§ 2-7. Dogs Over Four Months Old to be Licensed.

It shall be unlawful for the owner or custodian of any dog over four (4) months old not to place or cause to be placed and kept around the neck of such dog a substantial collar and attach securely thereto the current Arlington County license and the current rabies vaccination tag issued for such dog. The owner of the dog may remove the collar and license tag for such activities as:

A. A dog show;

- B. When the dog has a skin condition that would be exacerbated by the wearing of a collar;
- C. When the dog is in a supervised formal obedience training class; or
- D. During formally sanctioned field trials.

(10-12-64; 11-14-81)

§ 2-8. Rabies Vaccination.

A. It shall be unlawful for any person to keep, harbor or have in his custody or control a dog of six (6) months old or older, for longer than fourteen (14) days, unless such dog has been vaccinated with a modified live virus (Avianied) rabies vaccine approved by the Virginia State Department of Health within a period of thirty-six (36) months or vaccinated within a period of twelve (12) months with a killed rabies vaccine approved by the Virginia State Department of Health.

No license shall be issued for any dog by Arlington County unless there is presented at the time of application for such license, a certificate of rabies vaccination or inoculation signed by a licensed veterinarian and certifying that the dog for which the license is to be issued has been vaccinated or inoculated by the said veterinarian as required above. The license period shall not exceed the effective period of the vaccine. The certificate shall show the date of expiration, the type of vaccine used (whether modified live virus or killed virus), the rabies tag number, the sex and breed of the dog and the name of the owner. No certificate or affidavit other than the above-described certificate or a duplicate issued by a licensed veterinarian shall be accepted.

B. Whenever it becomes necessary to provide the public with additional safeguards against the danger of rabies, the County Board shall issue a proclamation ordering every person owning or keeping a dog to confine it securely on his premises. Any dog not on the premises of its owner shall have a muzzle of sufficient strength to prevent its biting any person. It shall be unlawful not to comply with the requirements of such proclamation. All dogs apprehended by any officer that are noticeably infected with rabies and displaying vicious propensities shall be killed by the officer without notice to the owner.

C. Dogs showing active signs of rabies or suspected of having rabies shall be confined under competent observation for such time as may be necessary to determine a diagnosis. If confinement is impossible or impracticable, such dog shall be destroyed.

D. Every person having knowledge of the existence of an animal apparently afflicted with rabies shall report immediately to the local health department the existence of such animal, the place where seen, the owner's name, if known, and the symptoms suggesting rabies.

E. Any dog bitten by an animal believed to be afflicted with rabies shall be destroyed immediately or confined in a pound, kennel, or enclosure approved by the Health Department for a period not to exceed six (6) months at the expense of the owner; provided, that if the bitten dog has been vaccinated against rabies within one (1) year, the dog shall be revaccinated and confined to the premises of the owner for thirty (30) days.
(10-12-64; 11-14-81; Ord. No. 82-40, 11-6-82; Ord. No. 86-12, 6-28-86)

§ 2-8.1. Existence of a Rabies Emergency.

A rabies emergency is hereby declared in Arlington County and shall be deemed in existence until such time as the District Health Officer determines, based on medical evidence, that the emergency no longer exists.
(Ord. No. 82-40, 11-6-82)

§ 2-8.2. Rabies Vaccination of Cats.

It shall be unlawful for any person to keep, harbor or have in his custody or control a cat six (6) months old or older, for longer than fourteen (14) days unless such cat has been vaccinated with a rabies vaccine licensed for use by the United States Department of Agriculture, Veterinary Biologics Section. This section shall remain in effect for as long as the medical emergency declared by § 2-8.1 remains in effect.
(Ord. No. 82-40, 11-6-82)

§ 2-8.3. Transportation, Harboring, and Sale of Foxes, Skunks and Raccoons Prohibited.

For as long as a rabies emergency shall exist, in accordance with § 2-8.1, the transportation, importation, translocation, harboring, and sale of foxes, skunks, and raccoons is prohibited except that a wildlife rehabilitator licensed by the Virginia Department of Game and Inland Fisheries may be allowed to harbor and translocate foxes, skunks and raccoons in the practice of rehabilitating these animals, so long as all applicable regulations are followed.

(Ord. No. 82-40, 11-6-82; Ord. No. 96-16, 10-26-96)

§ 2-9. Impoundment; Redemption; Disposition of Infected Animals.

A. It shall be the duty of any Officer to apprehend any dog found running at large and to impound such dog in such retention facilities as are provided by the County. A complete registry shall be maintained of the breed, color and sex of all dogs so apprehended. If the ownership of a dog so impounded can be determined, the owner shall be notified, and the dog returned to such owner upon the payment of a reasonable and fair fee to be determined by the Animal Control Agency to cover the cost of boarding an animal. If the owner cannot provide proof of current license for the dog then the Control Agency shall not release the dog until fees for rabies vaccination and license have been paid.

B. For subsequent impoundment within one (1) year there shall be an additional fee of ten dollars (\$10.00) for the second impoundment, and an additional fee of twenty dollars (\$20.00) for the third impoundment and an additional fee of thirty dollars (\$30.00) for each subsequent impoundment within the year.

C. Impounded dogs having a current license tag at the neck shall be kept for five (5) days unless sooner redeemed by the owner. If, at the expiration of five (5) days, such dog shall not have been redeemed, it may be sold or destroyed.

D. Impounded dogs not having a current license tag at the neck shall be confined for a period of five (5) days unless sooner redeemed by the owner. If at the expiration of five (5) days, such dog shall not have been redeemed, it may be sold or destroyed.

E. The Animal Control Agency shelter may euthanize before the five (5) day holding period is up any stray, nonlicensed animal which is injured or diseased, if in their opinion the animal is injured beyond help or if the disease appears to be contagious and no owner can be immediately located.

F. At the discretion of the Director of the County Health Department, any animal which has bitten a person shall be confined under competent observation for ten (10) days, unless the animal develops active symptoms of rabies or expires before that time; provided that a seriously injured or sick animal may be humanely euthanized and its head sent to the Health Department for evaluation.

(11-14-81; Ord. No. 83-25, 8-13-83; Ord. No. 85-14, 4-27-85)

§ 2-10. Vicious or Dangerous Dogs.

A. *Definitions.* The following words and terms, when used in this article, shall have the following meanings unless the context clearly indicates otherwise:

“Dangerous dog” means a canine or canine crossbreed which has bitten, attacked, or inflicted injury on a person or companion animal, or killed a companion animal.

“Vicious dog” shall mean a canine or canine crossbreed which:

1. Killed a person; or
2. Inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of a bodily function; or

3. Continued to exhibit the behavior which resulted in a previous finding by a court that it is a dangerous dog, provided that its owner or custodian has been given notice of that finding.

B. *Impoundment; euthanization.* Any Animal Control Officer that has reason to believe that a canine or canine crossbreed within the County is a dangerous or vicious dog shall apply to a magistrate for the issuance of a summons requiring the owner or custodian, if known, to appear before a general district court at a specified time. The summons shall advise the owner or custodian of the nature of the proceeding and the matters at issue. The Animal Control Officer or owner shall confine the animal until such time as evidence shall be heard and a verdict rendered, if the animal poses a substantial risk to humans or other animals. If the animal does not pose such a risk or if the owner or custodian can adequately confine the animal without risk of its escape, the Animal Control Officer or police officer shall order the owner or custodian to keep the animal confined inside a dwelling or adequate structure so constructed to prevent its escape. Until such time as evidence may be heard and a verdict rendered, the animal may not be removed from the owner's or custodian's immediate property and must be secured on a leash no longer than six (6) feet when not confined indoors or locked within an adequate structure. Failure to comply with such an order shall be a violation of this section. The court, through its contempt powers, may compel the owner, custodian or harbinger of the animal to produce the animal. If, after hearing evidence, the court finds the animal is a dangerous dog, the court shall order the animal's owner or custodian to comply with the provisions of Subsection D. If, after hearing the evidence, the court finds the animal is a vicious dog, the court shall order the animal euthanized by the Animal Control Officer, in accordance with state law.

C. *Exceptions.* No animal shall be found to be a dangerous or vicious dog solely because it is a particular breed. No animal shall be found to be a dangerous or vicious dog if the threat, injury or damage was sustained by a person who was:

1. Committing, at the time, a crime upon the premises occupied by the animal's owner or custodian;
2. Committing, at the time, a willful trespass or other tort upon the premises occupied by the animal's owner or custodian; or
3. Provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused or assaulted the animal at other times.

No police dog which was engaged in the performance of its duties at the time of the acts complained of shall be found to be a dangerous or vicious dog. No animal which, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, or its owner/custodian or owner's/custodian's property, shall be found to be a dangerous or vicious dog.

D. *Responsibilities of owners or custodians of dangerous dogs.*

1. The owner or custodian of any animal found by a court to be a dangerous dog shall, within ten (10) days of such finding, obtain a dangerous dog registration certificate from the Animal Control Officer for a fee of fifty dollars (\$50.00), in addition to other fees that may be authorized by law. The Animal Control Officer shall also provide the owner with a uniformly designed tag which identifies the animal as a dangerous dog. The owner or custodian shall affix the tag to the animal's collar and ensure that the animal wears the collar and tag at all times. All certificates obtained pursuant to this paragraph shall be renewed annually for the same fee and in the same manner as the initial certificate was obtained. If the owner fails to obtain such a certificate within the time allotted, the Animal Control Officer shall have the power to seize the animal and euthanize the animal in accordance with State law.
2. a. Certificates shall only be issued to persons eighteen (18) years of age or older who present satisfactory evidence that:
 - (1) The animal has a current rabies vaccination, if applicable;

- (2) The animal is and will be confined in a proper enclosure designed to prevent its escape or is and will be confined inside the owner's or custodian's residence or is and will be muzzled and confined in the owner's or custodian's fenced-in yard with adequate shelter until the proper enclosure can be constructed.
- b. In addition, owners or custodians who apply for certificates or renewals thereof under this section shall not be issued a certificate or renewal thereof unless they present satisfactory evidence that:
- (1) Their residence is and will continue to be posted with clearly visible signs warning both minors and adults of the presence of a dangerous dog on the property; and
- (2) The animal has been permanently identified by means of a tattoo on the inside thigh or by electronic implant.
3. While on the property of its owner or custodian, an animal to be found by the court to be a dangerous dog shall be confined indoors or in a securely enclosed and locked structure of sufficient height and design, with adequate shelter, to prevent its escape and to prevent direct contact with or entry by minors, adults or animals. When off its owner's or custodian's property, an animal found by a court to be a dangerous dog shall be caged or kept securely on leash no longer than six (6) feet and muzzled in such a manner as not to cause injury to the animal or interfere with the animal's vision or respiration, but so as to prevent it from biting a person or another animal.
4. If the owner or custodian of a dangerous dog is an unemancipated minor, the custodial parent or legal guardian shall be responsible for complying with all the requirements of this section.
5. After an animal has been found by a court to be a dangerous dog, the animal's owner or custodian shall, upon learning of same, immediately notify the Animal Control Officer if the animal;
- a. Is loose or unconfined;
- b. Bites or attacks either a person or other animal;
- c. Is sold, given away or dies; or
- d. Has been moved to a different address.

E. *Penalty.* The owner or custodian of any animal who fails to comply with the requirements of this section shall be guilty of a Class 1 misdemeanor.
(8-9-75; 11-14-81; Ord. No. 96-16, 10-26-96)

§ 2-11. Interference, Etc., with Dogs.

It shall be unlawful for any person, other than the owner or lawful possessor, to remove or cause to be removed the collar, license tag or rabies vaccination tag from the neck of any dog, or entice any dog out of the enclosure or house, or off the premises of its owner or lawful possessor, or to seize or molest any dog while held or led by its owner or lawful possessor.
(10-12-64)

§ 2-12. Licensing of Dogs.

A. Dog licenses required by § 2-7 of this chapter shall run for a period of one (1) year or a period of three (3) years from the dates of their issuance. No license tax will be imposed on any dog owner moving into Arlington County who possesses a valid dog license issued by another political subdivision of Virginia and a valid certificate of rabies vaccination. However, such owners will be required to have an Arlington County license tag for which a charge of twenty-five cents (\$0.25) will be imposed.

B. The license tax shall be as follows:

1. Ten dollars (\$10.00) for each dog regardless of sex for a one (1) year license.
2. Twenty-five dollars (\$25.00) for each dog regardless of sex for a three (3) year license.
3. A kennel shall mean any lot or premises on which four (4) or more dogs, more than four (4) months of age are kept. No kennel shall be located in the County without the approval of the County Zoning Administrator and no license for a kennel shall be issued until the Zoning Administrator has approved of its location.
4. Twenty-five cents (\$0.25) for a duplicate tag.

C. Any person may obtain a dog license by making oral or written application to the designated officer of Arlington County accompanied by the amount of the license tax and the certificate of vaccination. The officer charged with issuing dog licenses shall only have authority to license dogs of owners or custodians who reside within the boundaries of Arlington County and may require information to this effect from any applicant. Upon receipt of the proper license tax, application and certificate of vaccination the designated officer shall issue a license receipt for the amount on which he shall record the name and address of the owner or custodian, the date of payment, the year for which issued, the serial number of the tag and shall deliver the license tag provided by Arlington County.

1. No unclaimed dog shall be released from the animal shelter for adoption without written agreement from the adopter guaranteeing that the dog will be vaccinated for rabies and licensed as required by law.
2. No animal shall be released from the animal shelter for adoption without written agreement from the adopter that the animal will be sterilized. Proof of sterilization shall be submitted to the animal shelter by the date specified in the written agreement.

D. The County Manager shall designate an officer of Arlington County to handle the sale of dog licenses for Arlington County. The County Manager shall, from time to time, prescribe such regulations as are necessary for the sale of Arlington County dog licenses which shall include but not be restricted to the following:

1. Specifications for the individual and kennel license tags.
2. The contents, design, method of preparation, distribution and filing of any receipts, forms or reports required.
3. The method of disposing of unsold tags at the end of a calendar year.
4. The method of issuing duplicate tags.

E. It is unlawful for any person to make a false statement in order to secure a dog license to which he is not entitled.

F. It is unlawful for any person to conceal or harbor any dog on which the license has not been paid, or to conceal a mad dog to keep the same from being killed.
(10-12-64; 8-9-75; 9-24-77; 11-14-81; Ord. No. 86-2, 1-4-86; Ord. No. 86-18, 6-28-86)

§ 2-13. Enforcement.

The County Manager shall be responsible for establishing such facilities and procedures as are necessary for the proper enforcement of this article.
(10-12-64)

ARTICLE III.

ANIMAL HOUSING

§ 2-14. Definitions.

The following words and terms when used in this article shall have the following meanings unless the context clearly indicates otherwise:

“Animal” means domestic animals, including both agricultural and companion animals, if not specified otherwise.

“Companion animal” means any domestic or feral dog, domestic or feral cat, nonhuman primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or any animal under the care, custody, or ownership of a person or any animal that is bought, sold, traded or bartered by any person. Agricultural animals, game species, or any animals regulated under federal law as research animals shall not be considered companion animals for the purposes of this chapter.

“County Manager” means the Arlington County Manager or his designees.

“Owner” means any person having a right of property in an animal, and any person who keeps or harbors an animal, or has in his care, or who acts as its custodian, and any person who permits an animal to remain on or about any premises occupied by him. Owner shall also include all persons, firms, copartnerships or corporations, irrespective of residence or business address who own, board, sell or offer for sale any animal or birds in Arlington County.

“Primary enclosure” means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, cage, compartment, or hutch.
(3-23-63; 11-6-76; 11-14-81)

§ 2-15. Minimum Requirements.

It shall be unlawful for any owner to violate the following minimum requirements governing the manner of keeping, raising or sheltering of any animal on any premises, lot or in any structure or building in Arlington County:

Item 1. All animals must be supplied with sufficient, good and wholesome food and water as often as the feeding habits of such animals require.

Item 2. All animals shall be provided a proper enclosure as its quarters which shall have clean, dry bedding, floors elevated at least four (4) inches from the ground and all sides enclosed including the front. All animals, animal quarters and primary enclosures shall be kept in a clean and sanitary condition and adequate ventilation shall be maintained.

Item 3. Proper shelter and protection from the weather shall be provided at all times. Animals must not be overcrowded nor exposed to excessive heat or cold. Proper temperature for the well-being of animals shall be maintained at all times.

Item 4. Every reasonable precaution shall be used to ensure that animals are not teased, abused, mistreated, annoyed, tormented or in any manner made to suffer by any person or by any means.

Item 5. No condition shall be maintained or permitted to exist that is, or could be, injurious to the animals.

Item 6. Animals must be maintained in quarters so constructed as to prevent their escape. The owner assumes full responsibility for recapturing any animal that escapes from his premises. All reasonable precautions shall be taken to protect the public from the animals and the animals from the public.

Item 7. Animal bedding shall be sufficient in size and quantity and shall be kept clean.

Item 8. Sick or diseased animals shall be isolated from healthy animals at all times, so segregated that the illness or disease shall not be transmitted to another animal, and shall not be sold.

ARTICLE

IV.

SALE AND DISTRIBUTION OF LIVE TURTLES

§ 2-16. Sale and Distribution of Live Turtles.

(8-9-75)

It shall be unlawful to sell or offer for sale to the public a live turtle or turtles.

§ 2-17. Enforcing Agency.

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The County Manager or his designee shall be considered as the enforcing officer of this article. (4-23-

ARTICLE V.

REPTILES;

WILD OR EXOTIC ANIMALS

§ 2-18. Definitions.

The following words and terms, when used in this article, shall have the following meanings unless the context clearly indicates otherwise:

“Reptile” means all species of reptiles.

“Venomous reptile” means any reptile, including snakes, which is venomous.

“To be at large” means any reptile, wild, or exotic animal, as defined in this section, which, through any method of movement, is off the property of its owner or custodian or not under its owner's or custodian's immediate control, whether it has escaped accidentally or been purposely released.

(11-14-81; Ord. No. 08-12, 05-17-08, effective 06-17-08)

“Wild or exotic animal” means:

(i) any live non-human primate, raccoon, skunk, wolf or wolf hybrid, coyote, squirrel, fox, leopard, panther, tiger, lion, bear, wild cat including hybrids (i.e., bobcat, lynx and caracal), ratite (flightless bird), crocodilian, venomous snake, venomous reptile, or any other warm-blooded mammal that can normally be found in the wild state;

(ii) members of the order Scorpiones (scorpions) other than those in the genus *Pandinus*, which are permitted; centipedes of the genus *Scolopendra*; spiders of the genus *Latrodectus* (widow spiders); spiders of the genus *Loxosceles* (recluse spiders); spiders of the family Dipluridae (funnel-web spiders); spiders of the genus *Phoneutria* (banana spiders aka wandering spiders); spiders of the family Ctenizidae (trap-door spiders); spiders of

the genus *Sicarius* (sand spiders); and spiders of the family Theraphosidae (tarantulas), EXCEPT for Theraphosids native to North and South America and *Brachypelma smithi* (Mexican redknee tarantula), which are permitted.

Rabbits, rats, mice, ferrets, hamsters, gerbils, chinchillas, hedgehogs, sugar gliders, and guinea pigs that have been bred in captivity are excluded from the definition of "wild or exotic animal." Also excluded from this definition are all domestically bred or legally imported birds that are not ratites, non-venomous snakes, non-venomous reptiles, amphibians, and fish.

“Officer” means any police officer, animal control officer, deputy animal control officer, and all other persons employed by the County whose duty it is to preserve the peace, to make arrests, or to enforce the law.

“Animal Control Agency” means the entity responsible for animal control and animal pound services for Arlington County.

§ 2-19. Keeping and Handling of Reptiles and Snakes.

A. No person shall keep, or permit to be kept any venomous reptile or venomous snake, as defined in § 2.18, for any purpose, except that this prohibition shall not apply to zoological animal exhibitions accredited by the Association of Zoos and Aquariums (AZA); nature centers operated by Arlington County or by the Northern Virginia Regional Park Authority; animal programs operated by Arlington Public Schools; wildlife rehabilitators and wildlife exhibitors which are properly licensed or permitted by the federal government or Commonwealth of Virginia; scientific research facilities; Officers managing or transporting said animals in the line of duty; the Animal Control Agency temporarily housing said animals; a wildlife sanctuary as defined under the federal Lacey Act (16 USC 3371-3378); or veterinary clinics which are properly licensed by the federal government or Commonwealth of Virginia. Additional exceptions may be established at the discretion of the County Manager or his designee.

B. Venomous reptiles lawfully kept for the purposes stated herein shall not be allowed by their owner or custodian or handler to be at large or to be exhibited or displayed in such a manner that persons other than their handlers can pet, fondle, or otherwise come in direct physical contact with such reptiles.

C. It shall be unlawful for the owner or keeper of any reptile to keep any such reptile in any manner that will not sufficiently confine any such reptile as to prevent its escape or to knowingly permit such reptile to be at large.

D. Any reptile found to be at large or being housed or transported in a manner in violation of 2-19 F shall be captured, and/or confiscated and disposed of by an Officer and the owner of that reptile shall be required to pay a fee, to be determined by and paid to the Animal Control Agency, which covers that agency’s actual cost in locating, capturing, housing and/or otherwise disposing of the reptile.

E. It shall be unlawful for any person to purposely release any reptile into the community. (Ord. No. 08-12, 05-17-08)

F. It shall be unlawful for any person to own, possess, use, transport, or traffic into the County any constricting snakes that are not housed in a sturdy and secure enclosure. Permanent enclosures shall be designed to be escape-proof and shall have an operable lock or secure latching device. Transport containers and methods shall be designed to be escape-proof.

- i. In the event of an escape of a constricting snake, the owner or possessor shall immediately notify the Animal Control Agency.
- ii. For snakes weighing over 25 pounds, the following apply:
 - a. Each enclosure shall contain only one snake.
 - b. Each enclosure shall be labeled clearly and visibly with the scientific name, common name, and owner's identifying information. The enclosure must be of such strength and type of construction to prevent escape. A written safety protocol and escape recovery plan shall be within sight of permanent housing, and a copy shall accompany the transport of any snakes. The safety protocol shall include emergency contact information, identification of the local Animal Control Agency, and first aid procedures.

- c. Each snake shall have a microchip that follows the current International Standards Organization (ISO) standards 11784/11785 and is registered to the owner.
- d. At no such time shall the animal be impeded from moving freely within the enclosure.
- e. All permanent enclosures must have:
 - (a) A perimeter no less than 1.25 times the length of the snake;
 - (b) A width no less than 0.25 times the length of the snake, but not required to exceed 36 inches, and
 - (c) A height no less than 12 inches.
- f. When the natural climate of the snake enclosed differs from the climate of the enclosure, provisions must be made to adjust holding conditions to the natural habitat. Devices utilized must allow for temperature regulation. Environmental enrichment items must be provided that are appropriate to the size and species of snake enclosed including but not limited to: pools or water tubs, rocks, logs or branches.
- g. Adequate sanitation methods and veterinary care must be provided to identify and minimize the spread of diseases.
- h. The enclosure, environment, and devices utilized in adequately housing the snake must not cause harm or pose a health and safety risk to the animal so enclosed. Utilization of an appropriate non-injurious substrate (example: carpet, newspaper) is required and must be changed to prevent spread of disease or harm to the snake.
- i. At no such time should the primary enclosure be located outside of permanent building structure on the property in which the snake is being housed.

§ 2-19.1 Penalty.

Any person violating any of the provisions of §2-19, except § 2-19.E, shall be deemed guilty of a Class 4 misdemeanor and a fine not to exceed two hundred fifty dollars (\$250). Each day a violation of this article shall continue constitutes a separate offense; and for each reptile or snake kept, a separate offense shall arise. Any person convicted of violating § 2-19.E to this article or who commits a subsequent violation of any other section of this article shall be guilty of a Class 3 misdemeanor and a fine not to exceed five hundred dollars (\$500). (Ord. No. 08-12, 05-17-08)

§ 2-20. Wild or Exotic Animals

A. No person shall keep or permit to be kept, breed or permit to be bred, any live wild or exotic animal as defined in §2-18. This section shall not be construed to apply to zoological animal exhibitions accredited by the Association of Zoos and Aquariums (AZA); nature centers operated by Arlington County or Northern Virginia Regional Park Authority; animal programs operated by Arlington Public Schools; wildlife rehabilitators and wildlife exhibitors which are properly licensed or permitted by the federal government or Commonwealth of Virginia; scientific research facilities; Officers managing or transporting said animals in the line of duty; the Animal Control Agency temporarily housing said animals; a wildlife sanctuary as defined under the federal Lacey Act (16 USC 3371-3378); or veterinary clinics which are properly licensed by the federal government or Commonwealth of Virginia. Additional exceptions may be established at the discretion of the County Manager or his designee.

B. An Officer may seize, capture, or confiscate any wild or exotic animal, or any animal, running at large as defined in §2-18. The owner or guardian of the seized animal shall be required to pay a fee determined by and paid to the Animal Control Agency, which covers that entity's actual cost in locating, capturing, and housing of said animal. In the event that the escaped animal was registered with the Animal Control Agency as a wild or exotic animal and the owner notifies the Animal Control Agency of the escape prior to the Animal Control Agency receiving a complaint from a member of the public, the Animal Control Agency will waive the fee.

2-20.1 Declaration and Disposition of Wild or Exotic Animals

A. Any resident of Arlington County in possession of a wild or exotic animal as defined in §2-18 (with the exception of venomous snakes and venomous reptiles, which are banned) prior to the date of this code change, must either dispose of the animal or register it with the Animal Control Agency. For the purpose of registration,

proof of residency is required; documentation requirements are at the sole discretion of the Animal Control Agency. Such disposal shall be made by removal of the animal from Arlington County by giving or selling it to a zoo accredited by the Association of Zoos and Aquariums (AZA), a wildlife sanctuary as defined under the federal Lacey Act (16 USC 3371-3378), to a veterinary clinic that is properly licensed by the federal government or the Commonwealth of Virginia, by humane euthanasia, or by giving possession of such animal to the Animal Control Agency. Registration of such possession in writing to the Animal Control Agency must be completed within no more than sixty (60) calendar days of the effective date of §2-20. Registration will not be permitted if ownership of said animal is prohibited the Commonwealth of Virginia or federal law.

B. Registration of each said animal shall include the following information: name, address, telephone number, and e-mail address (if available) of the owner of the animal; species name; common name; any documentation or information that, to the satisfaction of the Animal Control Agency, evidences that the acquisition of the wild or exotic animal predates the effective date of §2-20; color photograph of the animal; sex (if possible); a description of the method, materials and facilities for housing said animal; estimated age; height or length as appropriate; and other characteristics such as bands, tattoos, colorations or specific markings.

C. Wild and exotic animals as defined in §2-18 whose ownership meets the requirements as outlined in §2-20.1 shall be confined in enclosures designed to be escape-proof and shall have an operable lock or secure latching device. Transport containers and methods shall be designed to be escape-proof.

- i. At no such time shall any such animals be chained or otherwise tethered to any type of anchorage, or otherwise impeded from moving freely within the cage or enclosure.
- ii. All such cages and enclosures shall be of sufficient size and height to give the animals so confined ample space for exercise and to avoid overcrowding or escape.
- iii. When the natural climate of the species of animal being held differs from the climate of the enclosure, cage, and housing unit, provisions must be made to adjust holding conditions to the natural habitat. Environmental enrichment items must be provided that are appropriate to the size and species of animal enclosed.
- iv. Adequate sanitation methods and veterinary care must be provided to identify and minimize the spread of diseases and comply with and be subject to the current Compendium of Animal Rabies Prevention and Control.
- v. At no such time should the primary enclosure for the animal be located outside of permanent building structure on the property in which the animal is being housed. Use of an exercise cage or enclosure is permitted if said cage or enclosure is in compliance with all regulations set forth in Article V of this code section and meets the requirements set forth in state and federal regulations.

D. Registration must be renewed annually by January 31 of each year.

E. If a registered animal is moved from the location provided on the registration to another location within Arlington County, is moved out of the County, dies or is humanely euthanized, the registration holder must provide written declaration of movement to the Animal Control Agency within 10 days of moving.

F. Failure to declare ownership of an exotic or wild animal within sixty (60) calendar days of the effective date of this code is a direct violation of this section and may result in seizure or disposal of the animal at cost to the owner and at the discretion of the Animal Control Agency.

G. It shall be unlawful for any person to purposely release a wild or exotic animal into the community.

2-20.2 Penalties

A. Except as provided in §2-19.1, any person violating any of the provisions of this article shall be deemed guilty of a Class 4 misdemeanor and upon conviction the person found guilty shall be punished by a fine not to exceed two hundred and fifty dollars (\$250). Each day a violation of this article is committed shall constitute a separate offense; and for each wild or exotic animal a separate offense shall arise.

B. Except as provided in §2-19.1, any person who commits a subsequent violation of any section of

this article shall be guilty of a Class 3 misdemeanor and upon conviction the person found guilty shall be punished by a fine not to exceed five hundred dollars (\$500). Each day an additional violation of this article is committed shall constitute a separate offense for each wild or exotic animal.

ARTICLE VI.

TRAPPING OF ANIMALS

§ 2-21. Trapping and/or Poisoning of Animals Prohibited.

It shall be unlawful for any person to set or bait any trap or other contrivance for the catching of game or tame animals, or to knowingly permit any such trap to be set or baited on his premises or property or to set out any poisoned bait with the intent of poisoning any game or tame animal except by the consent of the Animal Control Officer or Virginia Department of Game and Inland Fisheries. Only box traps may be used for the purposes of trapping a game or domestic animal.

(11-14-81)

ARTICLE VII.

PENALTIES

§ 2-22. Penalties for Violations.

A. The violations of or failure to comply with any requirements of this chapter shall constitute a misdemeanor. Upon conviction, the person found guilty of a Class 4 misdemeanor shall be punished by a fine not to exceed two hundred fifty dollars (\$250). Upon conviction, the person found guilty of a Class 3 misdemeanor shall be punished by a fine not to exceed five hundred dollars (\$500). A violation of Article II § ~~2-12-C~~ 2-10 shall be a Class 1 misdemeanor and, upon conviction, the person shall be subject to punishment by confinement in jail for not more than twelve (12) months, or fined not more than two thousand five hundred dollars (\$2,500), either or both. Each day of any such violation or failure to comply shall constitute a separate offense.

(11-14-81)

B. Except for § 2-10 of Article II, any other violations of, or failure to comply with, Article II shall be a Class 4 misdemeanor and shall be punished by a fine not to exceed two hundred fifty dollars (\$250).

§ 2-23. Repeated Offenses and Offenses Involving Injury to Humans.

A. It shall be unlawful and a separate offense for any person to commit, within a twelve-month period, three (3) or more violations of any of the following sections of Chapter 2 above: 2-2, 2-3, 2-5, 2-6, 2-7, 2-8, 2-9, 2-10, 2-11, 2-15, 2-18, 2-19 and 2-20. The penalty shall be a fine of not more than one hundred dollars (\$100.00), which shall not be prepayable.

B. In any case where an offense in Chapter 2 involves an injury to a human, the fine shall not be prepayable.

(Ord. No. 82-12, 4-24-82)