

Chapter 2

ANIMALS AND FOWL*

* **Cross References:** Licenses generally, Ch. 11; noise control, Ch. 15; subdivisions, Ch. 23.

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ARTICLE I.

IN GENERAL

§ 2-1. Fowl running at large--Definitions.

The following words and phrases, when used in this and the following sections, shall have the meanings respectively ascribed to them in this section:

Fowl shall be construed to embrace chickens, hens, roosters, guineas, ducks, geese, turkeys and poultry of all kinds, whether herein specifically enumerated or not.

Manager shall include any owner or possessor and any person having the management and control of any fowl.

Owner shall include any person owning any fowl.

Possessor shall include 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 phrases, when used in this article, shall have the meanings respectively ascribed to them in this section:

Dog shall mean both male and female.

Officer shall include any police officer, animal warden, deputy animal warden, 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* shall include 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 shall mean 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)

§ 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 warden'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)

§ 2-7. Dogs over six months old to be licensed.

It shall be unlawful for the owner or custodian of any dog over six (6) 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:

- (1) A dog show;
- (2) When the dog has a skin condition that would be exacerbated by the wearing of a collar;
- (3) When the dog is in a supervised formal obedience training class; or
- (4) 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 section 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 section 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 welfare agency to cover the cost of boarding an animal. If the owner cannot provide proof of current license for the dog then the animal welfare 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 welfare agency shelter may euthanize before the five-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.* For the purpose of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them in this section:

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 warden 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 warden 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 warden 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 warden, 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 warden for a fee of fifty dollars (\$50.00), in addition to other fees that may be authorized by law. The animal warden 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 warden shall have the power to seize the animal and euthanize the animal in accordance with state law.
- (2) Certificates shall only be issued to persons eighteen (18) years of age or older who present satisfactory evidence that:
 - a. The animal has a current rabies vaccination, if applicable;
 - b. 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.

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:

- a. 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
 - b. 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 warden 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 section 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-year license.
 - (2) Twenty-five dollars (\$25.00) for each dog regardless of sex for a three-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 phrases, when used in this article, shall have the meaning respectively ascribed to them in this section:

Animal shall mean domestic animals, including both agricultural and companion animals, if not specified otherwise.

Companion animals shall mean dogs, both domestic and feral, cats, both domestic and feral, monkeys and all members of the monkey family, guinea pigs, hamsters, rabbits, reptiles, exotic animals and exotic and native birds.

County manager shall mean the Arlington County Manager or his authorized representatives.

Exotic bird shall mean any bird that is not a native species to the United States.

Owner shall include 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.

It shall be unlawful to sell or offer for sale to the public a live turtle or turtles.
(8-9-75)

§ 2-17. Enforcing agency.

The county manager or his authorized representative shall be considered as the enforcing officer of this article.

(4-23-63)

ARTICLE V.**REPTILES****§ 2-18. Definitions.**

The following words or phrases, when used in this article, shall have the meanings respectively ascribed to them in this section:

Reptile shall include all species of reptiles.

Poisonous reptile shall refer to any reptile, including snakes, which is venomous.
(Ord. #08-02, 05-17-08)

To be at large shall refer to any reptile 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.
(Ord. #08-02, 05-17-08)

§ 2-19. Keeping and handling of reptiles.

(a) No person shall keep, or permit to be kept, any poisonous reptile, as defined in §2.18, for any purpose, except that this prohibition shall not apply to zoological or educational animal exhibitions, circuses, wildlife rehabilitators, scientific researchers, animal shelters or veterinary clinics which are properly licensed or permitted by the Federal Government or the Commonwealth of Virginia.
(Ord. #08-02, 05-17-08)

(b) Poisonous reptiles lawfully kept for the purposes stated herein shall not be allowed by their owner or custodian 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.
(Ord. #08-02, 05-17-08)

(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 run at large.
(11-14-81)

(d) Any poisonous reptile found to be at large shall be captured and confiscated by the animal warden and the owner of that reptile shall be required to pay a fee, to be determined by the animal warden, which covers the county's actual cost in locating and capturing or otherwise disposing of the reptile.
(Ord. #08-02, 05-17-08)

(e) It shall be unlawful for any person to purposely release a poisonous reptile into the community.
(Ord. #08-02, 05-17-08)

§ 2-20. Penalty.

Any person violating any of the provisions of this article, except §2.19(e) shall be deemed guilty of a Class 4 misdemeanor. Each day a violation of this article shall continue constitutes a separate offense; and for each poisonous reptile 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.
(Ord. #08-02, 05-17-08)

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 warden. 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.

The violations of or failure to comply with any requirements of this chapter except section 2-12(c)(2) shall constitute a misdemeanor. Upon conviction, the person found guilty shall be punished by a fine not to exceed one hundred dollars (\$100.00). A violation of section 2-12(c) shall be a misdemeanor and, upon conviction, the person shall be punished by confinement in jail for not more than twelve (12) months, or fined not more than three hundred dollars (\$300.00), either or both. Each day of any such violation or failure to comply shall constitute a separate offense.

(11-14-81)

§ 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)