



Animal Control and Care Ordinance

Division of Environmental Health

Fairfax County Health Department

ARTICLE 1. - In General.

Section 41.1-1-1. Definitions.

Section 41.1-1-2. Enforcement.

Section 41.1-1-3. Penalties.

Section 41.1-1-4. Compliance with other Code requirements.

Section 41.1-1-5. Compliance with State Comprehensive Animal Laws.

Section 41.1-1-1. Definitions.

For the purpose of this Chapter, the following words and phrases have the following meanings unless otherwise defined within this Chapter:

Adequate feed means access to and the provision of food that is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.

Adequate shelter means provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; and, for dogs and cats, provides a solid surface, resting platform, pad, floormat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Shelters whose wire, grid, or slat floors permit the animals' feet to pass through the openings, sag under the animals' weight or otherwise do not protect the animals' feet or toes from injury are not adequate shelter.

Adequate space means sufficient space to allow each animal to (i) easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal and (ii) interact safely with other animals in the enclosure. When an animal is tethered, adequate space means a tether that permits the above actions and is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar, halter, or harness configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or



animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; and is at least three times the length of the animal, as measured from the tip of its nose to the base of its tail, except when the animal is being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space.

Adequate water means provision of and access to clean, fresh, potable water of a drinkable temperature that is provided in a suitable manner, in sufficient volume, and at suitable intervals, to maintain normal hydration for the age, species, condition, size and type of each animal, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species; and is provided in clean, durable receptacles that are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests or an alternative source of hydration consistent with generally accepted husbandry practices.

Animal means any nonhuman vertebrate species except fish.

Animal control officer means a person appointed as the animal control officer or a deputy animal control officer pursuant to Virginia law to enforce the Virginia Comprehensive Animal Laws, this Chapter, and all laws for the protection of domestic animals.

Animal Shelter means the Fairfax County Animal Shelter which is operated as a pound as is defined in Virginia Code § 3.2-6500.

Animal Services Division means the Animal Services Division of the Fairfax County Police Department. References to the Commander of the Animal Services Division mean the Commander or his or her agent.

Certified service animal means a monkey that is used or is in training to be used solely to assist disabled persons and which use is certified by officials of a generally recognized scientific or educational institution, provided that such certified service animal has been bred in a closed breeding environment located in the United States.

Circus means any commercial variety show featuring animal acts for public entertainment.

Companion animal means any domestic or feral dog, domestic or feral cat, non-human 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 purpose of this chapter.

Director of Health means the Director of the Fairfax County Health Department or his or her designee.

Director of Tax Administration means the Director of the Department of Tax Administration or his or her designee. For purposes of issuing dog licenses, the Animal Services Division is a designee of the Director of Tax Administration.

Horse means and includes horse, mule, donkey, and ass.

Kennel means any place in or at which five or more dogs or cats or hybrids of either are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling, or showing.

Livestock includes all domestic or domesticated: bovine animals; equine animals; ovine animals; porcine animals; cervidae animals; capradae animals; animals of the genus Lama; ratites; fish or shellfish in aquaculture facilities, as defined in state law; enclosed domesticated rabbits or hares raised for human food or fiber; or any other individual animal specifically raised for food or fiber, except companion animals.

Owner means any person, firm, partnership, corporation, association, or other legal entity, who has a right of property in an animal, keeps or harbors an animal, has an animal in his, her or its care, or acts as a custodian of an animal, including operators or managers of stables, kennels, pet shops, or other animal establishments.

Primary enclosure means any structure used to immediately restrict an animal to a limited amount of space, such as a room, tank, pen, cage, compartment or hutch. For tethered animals, the term includes the shelter and the area within reach of the tether.

Releasing agency means a pound, animal shelter, humane society, animal welfare organization, society for the prevention of cruelty to animals, or other similar entity or home-based rescue that releases a companion animal for adoption, including the Fairfax County Animal Shelter.

Rightful owner means a person with a right of property in the animal.

Service animal means any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the



purposes of this definition. The work or tasks performed by a service animal must be directly related to the handler's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

Traveling animal exhibition means any spectacle, display, act or event, including circuses and carnivals, where animals are maintained, whether or not the animals actually perform, the owners or operators of which do not have their principal place of business in Fairfax County, Virginia, and that are required to obtain a temporary special permit pursuant to the Zoning Ordinance. Notwithstanding the foregoing, a horse or pony ride is not a traveling animal exhibition.

Unrestricted means not under the control of the owner or his agent either by leash, cord, chain, or primary enclosure when off the property or premises of the owner or custodian. An electronic device does not qualify as a leash, cord or chain.

Vicious animal means any animal or animals that constitute a physical threat to human beings or other animals, not to include vicious dogs, which are addressed separately within this Chapter.

Wild or exotic animal means any live monkey (non-human primate), raccoon, skunk, wolf, squirrel, fox, leopard, panther, tiger, lion, lynx or any other warm-blooded animal, poisonous snake or tarantula that can normally be found in the wild state or any other member of a crocodylian, including but not limited to alligators, crocodiles, caimans, and gavials. Ferrets, non-poisonous snakes, rabbits, and laboratory rats that have been bred in captivity and that have never known the wild are excluded from this definition. (26-04-41.1; 20-06-41.1; 67-08-41.1; 10-11-41.1.)

Section 41.1-1-2. Enforcement.

The provisions of this Chapter shall be enforced by the animal control officer and deputy animal control officers, and may be enforced by law-enforcement officers of the Police Department. Where specific reference is made to the Director of Health, he or she may enforce those provisions as well. (26-04-41.1.)



Section 41.1-1-3. Penalties.

Violation of any provision of this Chapter constitutes a Class 4 misdemeanor unless otherwise stated. (26-04-41.1.)

Section 41.1-1-4. Compliance with other Code requirements.

Compliance with the provisions of this Chapter does not relieve any person of the obligation to comply with any other applicable provisions of this Code, including but not limited to the provisions of the Zoning Ordinance and provisions governing health and sanitation. (26-04-41.1.)

Section 41.1-1-5. Compliance with State Comprehensive Animal Laws.

The provisions of this Chapter are intended to complement, not supercede, the state Comprehensive Animal Laws. (26-04-41.1.)



ARTICLE 2. - Animal Control and Rabies Control.

Section 41.1-2-1. Vaccination of dogs and cats against rabies required.

Section 41.1-2-2. Dog license required; license tax on dogs and kennels.

Section 41.1-2-3. Certificate of vaccination prerequisite to issuance of dog licenses.

Section 41.1-2-4. Unrestricted dogs prohibited; leash law.

Section 41.1-2-5. County animal shelter; confinement and disposition of stray animals; impoundment and boarding fees; adoption fees.

Section 41.1-2-6. Animals causing unsanitary conditions.

Section 41.1-2-7. Controlling dangerous and vicious dogs.

Section 41.1-2-8. Confinement of animals suspected of having rabies.

Section 41.1-2-9. Disposition of animals that have bitten persons.

Section 41.1-2-10. Confinement of dogs and cats bitten by rabid animals.

Section 41.1-2-11. Regulations concerning animals dying of rabies.

Section 41.1-2-12. Summary destruction of animals for humane reasons.

Section 41.1-2-13. Dismissal of charge for failure to display a valid rabies vaccination certificate or current dog license receipt.

Section 41.1-2-14. Oral rabies vaccine distribution program.

Section 41.1-2-15. Permitting animals to trespass.

Section 41.1-2-16. Burial or cremation of dead animals and fowl.

Section 41.1-2-17. Keeping of swine.

Section 41.1-2-18. Prohibition on training of attack dogs.

Section 41.1-2-19. Feeding of waterfowl prohibited in designated areas.

Section 41.1-2-1. Vaccination of dogs and cats against rabies required.

The owner or custodian of each dog and domesticated cat 4 months of age and older shall have it currently vaccinated against rabies by a licensed veterinarian or licensed veterinary technician who is under the immediate and direct supervision of a licensed veterinarian on the premises. The supervising veterinarian on the premises shall provide the owner or custodian of the dog or domesticated cat with a certificate of vaccination. The owner or custodian of the dog or domesticated cat shall promptly furnish, upon the request of an animal control officer, humane investigator, law-enforcement officer, State Veterinarian's representative, or Director of Health, the certificate of vaccination for such dog or cat. The vaccine used shall be licensed by the United States Department of Agriculture for use in that species. Any dog that has not been vaccinated as required by this Section shall be impounded, except that if the rightful owner of the dog can be immediately ascertained and located, then that owner



shall be allowed to have custody of the animal, but shall be subject to issuance of a summons for violation of this Section. (26-04-41.1.)

Section 41.1-2-2. Dog license required; license tax on dogs and kennels.

(a) Except as otherwise provided herein, it is unlawful for any person to own a dog 4 months old or older in the County unless the dog is licensed by Fairfax County. Any dog not wearing a collar bearing a current license tag shall prima facie be deemed to be an unlicensed dog and in any proceeding under this Chapter the burden of proof of the fact that the dog has been licensed, or is otherwise not required to bear a tag at the time, shall be on the owner of the dog. No license tag shall be issued for any dog unless the Director of Tax Administration receives either the certificate of rabies vaccination required by Section 41.1-2-3 or satisfactory evidence that such certificate has been obtained. This subsection shall not apply to a releasing agency that has registered as such annually with the Animal Services Division.

(b) There is hereby provided and levied within the County an annual license tax of \$10.00 per dog, regardless of whether the dog is fertile or infertile.

(1) [Reserved.]

(2) No license tax shall be levied on any dog that is trained and serves as a guide dog for a blind person, that is trained and serves as a hearing dog for a deaf or hearing impaired person, that is trained and serves as a service dog for a mobility-impaired person, or on any dog owned by a person having diplomatic status in the United States. As used in this section, "hearing dog" means a dog trained to alert its owner by touch to sounds of danger and sounds to which the owner should respond and "service dog" means a dog trained to accompany its owner for the purpose of carrying items, retrieving objects, pulling a wheelchair or other such activities of service or support.

(c) *Duplicate License Tag.* If a dog license tag is lost, destroyed or stolen, the owner shall at once apply to the Director of Tax Administration for a duplicate license tag, presenting the original license receipt. Upon affidavit of the owner that the original license tag has been lost, destroyed or stolen, the Director of Tax Administration shall issue a duplicate license tag which the owner shall immediately affix to the collar of the dog. The Director shall endorse the number of the duplicate and the date issued on the face of the original license receipt. The fee for a duplicate tag for any dog is \$1.00.

(d) Upon application and payment of the license tax to the Director of Tax Administration, the Director shall issue a dog license tag, which tag shall bear only the words "Fairfax County, VA Dog Tag," an assigned number, and the current license year.



(e) It is unlawful to operate a kennel in the County unless it is licensed. The owner or operator of a dog kennel shall pay an annual license tax of \$50.00 for up to but not more than 50 dogs.

(f) The Director of the Department of Tax Administration shall keep a list of all licenses issued annually, and a separate account of funds received from such tax. All unissued license tags for the current license year shall be destroyed at the end of such year.

(g) *Displaying Receipts; Dogs To Wear Tags.* Dog license receipts, issued by the Director of Tax Administration at the time of purchase of a dog license tag, and kennel license tax receipts shall be preserved by the licensees and exhibited promptly upon request for inspection by any animal control officer or other officer. Dog license tags shall be securely fastened to a substantial collar by the owner and worn by the dog at all times, except the owner of the dog may temporarily remove the tag required by this Section:

- (1) When the dog is engaged in lawful hunting while accompanied by the owner;
- (2) When the dog is competing in a dog show;
- (3) When the dog has a skin condition which would be exacerbated by the wearing of the collar;
- (4) When the dog is confined;
- (5) While the dog is engaged in a supervised formal obedience training class; or
- (6) During formally sanctioned field trials. (26-04-41.1; 67-08-41.1.)

Section 41.1-2-3. Certificate of vaccination prerequisite to issuance of dog licenses.

(a) No license tag shall be issued for any dog unless the Director of Tax Administration receives either a certificate of rabies vaccination that complies with Section 41.1-2-1 or satisfactory evidence that such certificate has been obtained.

(b) The certificate shall show the date of vaccination, the type of vaccine used (whether modified live virus or inactivated virus), the rabies tag number, the expiration date of the vaccination, the sex and breed of the dog and the name of the owner. (26-04-41.1; 67-08-41.1.)



Section 41.1-2-4. Unrestricted dogs prohibited; leash law.

(a) No dog shall run unrestricted, as defined in Section 41.1-1-1, in the County. Any person who is the owner of a dog found unrestricted in the County shall be in violation of this Section. This Section shall not apply to any person who uses a dog under his direct supervision while lawfully hunting, while engaged in a supervised formal obedience training class or show, during formally sanctioned field trials, while a dog is in an area owned, leased, controlled, or operated by Fairfax County designated by resolution of the Board of Supervisors as an off-leash dog exercise area, or while a dog is in an area owned, leased, controlled, or operated by the Fairfax County Park Authority and designated by resolution of the Fairfax County Park Authority as an off-leash or dog exercise area, or while a dog is in an area, leased, controlled, or operated by the Northern Virginia Regional Park Authority and designated by resolution of the Northern Virginia Regional Park Authority Board as an off-leash or dog exercise area, or if a dog is a service animal whose handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means). It is a violation of this Section for any owner of a dog to place such dog or allow it to be placed into custody of any person not physically capable of maintaining effective control of restricting such dog.

(b) Any dog found unrestricted in violation of subsection (a) shall be impounded, except that if the rightful owner of the dog can be immediately ascertained and located, then that owner shall be allowed to have custody of the animal, but shall be subject to issuance of a summons for violation of this Section. (26-04-41.1; 10-11-41.1.)

Section 41.1-2-5. County animal shelter; confinement and disposition of stray animals; impoundment and boarding fees; adoption fees.

(a) The County Animal Shelter shall be operated and maintained in accordance with Virginia law, and it shall be accessible to the public at reasonable hours during the week.

(b) Except as otherwise provided by Section 41.1-2-9, whenever any animal is confined at the Animal Shelter, it shall be kept for a period of not less than 5 days, such period to commence on the day immediately following the day the animal is initially confined in the facility, unless sooner claimed by the rightful owner. If any animal confined at the Animal Shelter is claimed by its rightful owner, such owner shall be charged the applicable fee or fees set forth in this Section.

(c) Any animal impounded that is not known or suspected of being rabid may be redeemed by its rightful owner upon: (1) presentation of proof of ownership and



personal identification; (2) payment of all applicable fees set forth in this Section; (3) if the animal being claimed is a dog or a cat that is 4 months of age or older, presentation of a certificate that shows the animal being claimed has been vaccinated for rabies in accordance with the requirements of Section 41.1-2-1; (4) if the animal being claimed is a dog that is 4 months old or older, presentation of evidence of payment of a valid dog license, as required by Section 41.1-2-2; and (5) payment of any necessary veterinary expenses incurred for the benefit of that animal by the Animal Shelter. Any rightful owner who fails to produce the certificate of vaccination or proof of payment of the license fee shall be allowed to have custody of the animal, but shall be subject to issuance of a summons for violation of Section 41.1-2-1 or Section 41.1-2-2. Any dog not redeemed may be destroyed in a humane manner or otherwise lawfully disposed of by the Director of the Animal Shelter or the designated agent of the Director. The Director or the designated agent of the Director shall not knowingly give, sell, or otherwise release any animal to any person who intends to use that animal for research purposes.

(d) Any person who adopts an animal from the Animal Shelter shall pay the applicable adoption fee set forth in this Section and shall sign an adoption contract agreeing to comply with laws regulating the adoption and ownership of the animal and to appropriately care for the animal. The Animal Shelter shall not release any dog or cat for adoption unless the animal is already sterilized or the person who adopts the animal signs an agreement as required by Virginia law to have the animal sterilized and pays, in addition to the adoption fee, the applicable spay or neuter fee set forth in this Section.

(e) Fee Schedules:

Impoundment fees:

Dogs and cats, first impoundment\$ 25.00

Second impoundment50.00

Third or subsequent impoundment75.00

Livestock, under 150 pounds50.00

150 pounds or more100.00

Reptiles and exotic animals20.00

Rodents, ferrets, and rabbits20.00

Boarding fees (for each day boarded):

Dogs and cats10.00

Livestock (under 150 pounds)25.00

(150 pounds or more)50.00

Reptiles and exotic animals10.00

Rodents, ferrets, and rabbits10.00



Adoption fees:

- Dogs40.00
- Cats30.00
- Rabbits and ferrets15.00
- Reptiles and small birds10.00
- Other small animals5.00
- Equine and bovine200.00
- Other livestock20.00
- Large birds100.00

Spay and neuter fees: Any person who adopts an unsterilized dog or cat shall pay the spay or neuter fee directly to the County-contracted veterinarian when the newly adopted pet is picked up after surgery. The fee shall be established in the contract between the County and the veterinarian. In the event a dog or cat is sterilized for health reasons at the request of the Animal Shelter Director prior to being made available for adoption, the County shall provide a receipt to the adopter showing the cost paid and the adopter shall pay that amount directly to the County.

The Animal Shelter Director may waive or reduce the impoundment or boarding fees established in this subsection (e) for good cause shown. The Animal Shelter Director's determination of good cause shall be based on guidelines set forth in Standard Operating Procedures approved by the Fairfax County Police Department.

(f) The owner of any animal that is held pursuant to Va. Code Ann. § 3.2-6569 for more than 30 days shall post a bond in surety with the County in an amount equal to the cost of boarding the animal for 9 months at the rates established in this Section. If the owner satisfies this obligation by obtaining a commercial bond, then the bond must be issued by a surety that is licensed to do business in Virginia and that has an A-IV or better rating from A.M Best. Upon a request by an owner, the County may reduce the bond for good cause shown. (26-04-41.1; 67-08-41.1.)

Section 41.1-2-6. Animals causing unsanitary conditions.

It shall be unlawful for the owner of any animal or animals to keep such animal or animals in such a manner as to cause unsanitary conditions. The owner or custodian of any dog shall be responsible for the removal of excreta deposited by such dog on the property of another, including public places. (26-04-41.1.)

Section 41.1-2-7. Controlling dangerous and vicious dogs.

1. If a canine or canine crossbreed previously found by the court to be a dangerous dog pursuant to Va. Code Ann. § 3.2-6540 attacks and injures or kills a cat or dog that is a



companion animal belonging to another person, and that attack is a separate and distinct incident from the incident that led to the finding, then the owner or custodian of the dangerous dog is guilty of a Class 2 misdemeanor.

2. If a canine or canine crossbreed previously found by the court to be a dangerous dog pursuant to Va. Code Ann. § 3.2-6540 bites a human being or attacks a human being causing bodily injury, and that bite or attack is a separate and distinct incident from the incident that led to the finding, then the owner or custodian of the dangerous dog is guilty of a Class 1 misdemeanor.

The provisions of subsections 1 and 2 of this section shall not apply to any animal that, at the time of the acts complained of, was responding to pain or injury or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, or when the animal is a police dog that is engaged in the performance of its duties at the time of the attack.

3. If the owner of any canine or canine crossbreed previously found by the court to be a dangerous dog pursuant to Va. Code Ann. § 3.2-6540 willfully fails to comply with the requirements imposed as a result of the finding that the animal is a dangerous dog, then that owner is guilty of a Class 1 misdemeanor. (20-06-41.1; 67-08-41.1.)

Section 41.1-2-8. Confinement of animals suspected of having rabies.

(a) Every person having knowledge of the existence in the County of an animal apparently afflicted with rabies shall report immediately to the Director of Health the existence of such animal, the place where seen, the owner's name, if known, and the symptoms suggesting rabies.

(b) It shall be the duty of any of the officials charged with the enforcement of this Chapter to impound in the Animal Shelter, at no expense to the owner, any animal showing active signs of rabies or suspected of having rabies, or upon the request of the owner and at his expense, the animal may be placed in the custody of a licensed veterinarian. The animal shall be confined for such period of time as may be necessary to establish a diagnosis. If confinement is impossible or impracticable, such animal shall be destroyed upon the authorization of a licensed veterinarian or any person charged with the enforcement of this Chapter by one of the methods approved by the State Veterinarian. (26-04-41.1.)



Section 41.1-2-9. Disposition of animals that have bitten persons.

(a) The owner of an animal that has bitten a person or any person having knowledge of any animal which has bitten a person shall immediately notify the Animal Services Division or the County Police Department. The owner of such animal shall permit the Director of Health or any person charged with enforcement of this Chapter to immediately examine such animal and the owner of such animal shall:

- (1) Impound and board the animal in the County Animal Shelter for a period of 10 days and the owner shall be responsible for paying the impoundment and boarding fees set forth in Section 41.1-2-5
- (2) Place the animal in the custody of licensed veterinarian or a licensed veterinary hospital for a period of 10 days at the owner's expense; or
- (3) Confine the animal on the owner's premises in a strong enclosure that is isolated from all other animals and persons for a period of 10 days.

(b) Any such animal shall be released from confinement after the ten-day period only upon authorization of a licensed veterinarian or any person charged with enforcement of this Chapter. If any animal being confined pursuant to this Section develops active symptoms of rabies prior to the expiration of the ten-day period, then that animal shall be destroyed, and the person destroying any such animal shall comply with the requirements of Section 41.1-2-11. (26-04-41.1.)

Section 41.1-2-10. Confinement of dogs and cats bitten by rabid animals.

The owner of any dog or cat that is known to have been bitten or otherwise exposed to rabies by a rabid animal or by an animal suspected of being rabid shall immediately notify the Animal Services Division or the Director of Health. Any dog or cat for which no proof of current rabies vaccination is available and which is bitten or otherwise exposed to rabies by an animal believed to be afflicted with rabies shall be confined in a pound, kennel or enclosure approved by the Animal Services Division or the Director of Health for a period, not to exceed 6 months, at the expense of the owner; however, if this is not feasible, the dog or cat shall be euthanized by one of the methods approved by the State Veterinarian. A rabies vaccination shall be administered prior to release. Inactivated rabies vaccine may be administered at the beginning of confinement. Any dog or cat so bitten, or exposed to rabies through saliva or central nervous system tissue, in a fresh open wound or mucous membrane, with proof of a rabies vaccination, shall be revaccinated immediately following the bite and shall be confined to the premises of the owner, or other site approved by the Director of Health for a period of 45 days. (26-04-41.1.)



Section 41.1-2-11. Regulations concerning animals dying of rabies.

Any person who destroys an animal that is rabid or suspected of being rabid or any person who has knowledge that an animal has died of rabies or is suspected of having died of rabies shall immediately notify the Animal Services Division of the location of the body of such animal. The head of the animal shall be surrendered to any person charged with the enforcement of this Chapter. (26-04-41.1.)

Section 41.1-2-12. Summary destruction of animals for humane reasons.

When in the judgment of any animal control officer, it is determined that an animal is obviously injured beyond any medical help, the animal may be humanely destroyed. Destruction of any animal pursuant to this Section may be accomplished without regard to any time limitations otherwise established herein. (26-04-41.1.)

Section 41.1-2-13. Dismissal of charge for failure to display a valid rabies vaccination certificate or current dog license receipt.

Any owner of a dog or cat who is summoned to appear in court for failure to produce a valid certificate of rabies vaccination or current dog license receipt upon demand by any animal control officer or Police Officer, who then presents to the animal control officer or Police Officer making such demand, or to a magistrate of Fairfax County, at least 72 hours before the return date of the summons, a vaccination certificate valid on the date of such demand or a current Fairfax County Dog License receipt issued to him prior to the time of such demand; or who appears pursuant to such summons and produces to the court a vaccination certificate valid on the date of such demand or a current Fairfax County Dog License receipt issued to him prior to the time of such demand, shall be deemed to have complied with the provisions of Section 41.1-2-1 or Section 41.1-2-2, whichever is applicable. (26-04-41.1.)

Section 41.1-2-14. Oral rabies vaccine distribution program.

(a) The Board of Supervisors hereby creates a program for the distribution of oral rabies vaccine within the County to prevent the spread of rabies. The program, including, but not limited to, the time and method of rabies vaccine distribution, shall be administered by the County Health Department and its duly authorized representatives. Subject to the notice provisions set forth below, those persons administering the program are authorized to enter upon property located in the County for the purpose of distribution of oral rabies vaccine and may use any other method to place the oral rabies vaccine on the property.

(b) Notice shall be given to the owner or occupant of property prior to entry upon the property for the purpose of the distribution of oral rabies vaccine or the use of any other methods to place oral rabies vaccine on the property. Notice shall be given by (i)



sending two letters by first-class mail, at successive intervals of not less than two weeks and (ii) printing a copy of the form of the notice, at least once, in a newspaper of general circulation in the County. Written notice shall be in a form approved by the governing body and shall include a description of the purpose for which entry upon the property is to be made, the time and method of rabies distribution at the property, and the submission deadline for requests by any owner or occupant of property who wishes to be excluded from the oral rabies vaccine distribution program.

(c) The owner or occupant of property may refuse to allow the distribution of oral rabies vaccine upon such property. Any owner or occupant who wishes to be excluded from the oral rabies vaccine distribution program shall provide a written request for nonparticipation in the manner and by the date specified in the written notice. No further action to distribute oral rabies vaccine shall be taken for a period of one year with respect to any property for which a request for nonparticipation has been received. (26-04-41.1.)

Section 41.1-2-15. Permitting animals to trespass.

The owner of any animal, after being requested by the owner or tenant of any premises not to permit the animal to trespass upon such premises, shall not allow any such animal to go upon such premises. (26-04-41.1.)

Section 41.1-2-16. Burial or cremation of dead animals and fowl.

When the owner of any animal or fowl that has died knows of the death, such owner shall forthwith have its body cremated or buried, or otherwise disposed of in a manner acceptable to the Director of Health; alternatively, the owner may request such service from the Animal Shelter. If, after notice, the owner of any companion animal that has died fails to properly dispose of the animal, the animal control officer or other officer may bury or cremate the animal and may recover, on behalf of the County, from the owner for the cost of the disposal. If the owner of any other animal that has died fails to bury or cremate the dead animal or fowl, any judge of a general district court, after notice to the owner if he can be ascertained, shall authorize Animal Services Division or the Director of Health to do so. In that event, the County shall be entitled to recover the actual cost of the cremation or burial.

Any person who has trapped wildlife in accordance with Virginia law and transported the wildlife to the Animal Shelter in a cage or trap may request that the animal be euthanized and/or cremated. Provision of such services is subject to payment of the following fee for impounding, euthanizing and/or cremating the animal:

Skunk:\$50.00



Raccoon, squirrel, groundhog, gopher, and other small animal:25.00
(26-04-41.1; 67-08-41.1.)

Section 41.1-2-17. Keeping of swine.

(a) It is unlawful, the provisions of any other ordinance of the County to the contrary notwithstanding, for any person to keep or raise swine in any hog pen, unless the hog pen or any part thereof is located more than 100 yards from any dwelling house or any store, restaurant, office, church, school or other public building or any well or spring used for a private or public water supply.

(b) As used in this Section, the word "swine" includes hogs and pigs regardless of age, and the term "hog pen" means an enclosure of any kind in which swine are kept or raised.

(c) This Section is not applicable to the keeping of swine on any property used for agriculture, as defined in the Zoning Ordinance. (26-04-41.1.)

Section 41.1-2-18. Prohibition on training of attack dogs.

It is unlawful for any person to train dogs, on property used for residential purposes, to attack or respond aggressively, either with or without command. However, this prohibition shall not prohibit a person from training dogs owned by such person on the property where the owner of the dogs being trained resides. (26-04-41.1.)

Section 41.1-2-19. Feeding of waterfowl prohibited in designated areas.

(a) The feeding of mallard ducks (*Anas platyrhynchos*) and Canada geese (*Branta canadensis*), and any crossbreeds or hybrids of these birds, is hereby prohibited in the area of the County described in subsection (b).

(b) This prohibition is applicable to parcels of land contiguous to Little Hunting Creek, except that no provisions of this section shall be applicable on lands within a national or state park or forest, or wildlife management area.

(c) Appropriate signage shall be posted to designate the area where this section is applicable.

(d) Any person violating the provisions of this section shall be subject to a civil fine not to exceed \$50.00. (42-05-41.1.)



ARTICLE 3. - Pet Shops.

Section 41.1-3-1. Administrative Authority; enforcement.

Section 41.1-3-2. Approval of plans by Director of Health.

Section 41.1-3-3. Washrooms and sinks.

Section 41.1-3-4. Separate facilities.

Section 41.1-3-5. Inspections; destruction of contaminated turtles.

Section 41.1-3-1. Administrative Authority; enforcement.

The Director of Health shall administer and enforce this Article. (26-04-41.1.)

Section 41.1-3-2. Approval of plans by Director of Health.

When a pet shop or the premises of a dealer is hereafter constructed or extensively remodeled or when an existing structure is converted for use as a pet shop, properly prepared plans and specifications for such construction, remodeling or alteration, showing all details as to layout, entrances, partitions, window openings, ventilation, animal enclosures, storerooms, grooming areas, toilets, water supply, waste connections, sanitary equipment and other such details as may be required may be submitted to the Director of Health for approval before such work is begun to ensure compliance with the provisions of this Chapter. (26-04-41.1.)

Section 41.1-3-3. Washrooms and sinks.

Toilet facilities and hand basins including soap and disposal towels shall be provided and be conveniently accessible to employees. An adequate two-compartment sink supplied with hot and cold water for washing and sanitizing the equipment shall be provided. Such facilities shall be kept in a clean condition and in good repair. (26-04-41.1.)

Section 41.1-3-4. Separate facilities.

Living and sleeping quarters and places where food and drink for human consumption are served or stored shall be completely separated from the physical facilities housing animals. Storage of animal food shall be separated from the animal bathing and grooming areas.

Birds shall not be housed in the same area where food for humans is handled, stored, processed or served, unless such birds are kept in a separate enclosure which is vented to outside air; screening shall not be considered a complete enclosure. (26-04-41.1.)



Section 41.1-3-5. Inspections; destruction of contaminated turtles.

At any place within the County where turtles are offered for sale or distribution to the public, the Director of Health may at any time take samples of tank water or any other appropriate sample from the turtles offered or being held for sale or distribution, test the same, and order the immediate humane destruction of any lot of turtles found contaminated with salmonella or contamination that may cause disease in humans. (26-04-41.1.)



ARTICLE 4. - Keeping of Wild, Exotic or Vicious Animals Prohibited.

Section 41.1-4-1. Keeping prohibited; exceptions.

Section 41.1-4-2. Notice required at place of sale.

Section 41.1-4-3. Disposition of Animals.

Section 41.1-4-1. Keeping prohibited; exceptions.

No person shall keep or permit to be kept any wild, exotic or vicious animal, as those terms are defined in Section 41.1-1-1, for any purposes, except that this prohibition shall not apply to a single certified service animal in a household, zoological parks, traveling animal exhibitions, circuses or veterinary clinics that are properly licensed by the Federal Government or Commonwealth of Virginia. The wild or exotic animals of such licensed establishments shall not 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 animals; however this prohibition shall not apply to the riding of elephants by persons other than the elephants' handlers while under the direct supervision of the elephants' handlers where such elephants are performing in zoological parks, animal exhibitions or circuses which are properly licensed by the Federal Government or the Commonwealth of Virginia and Fairfax County. (26-04-41.1.)

Section 41.1-4-2. Notice required at place of sale.

Any person who offers for sale an exotic animal as defined by Section 41.1-1-1 shall post conspicuously at the place of sale or display the following notice:

"No person may lawfully keep or permit to be kept in Fairfax County, other than a certified service animal, any live monkey (non-human primate), raccoon, skunk, wolf, squirrel, fox, leopard, panther, tiger, lion, lynx or any other warm-blooded animal, poisonous snake or tarantula, crocodile or alligator, which can normally be found in the wild state or any other member of the crocodylian, including but not limited to alligators, crocodiles, caimans and gavials." (26-04-41.1.)

Section 41.1-4-3. Disposition of Animals.

Any person who keeps a wild, exotic, or vicious animal in contravention of this Article may dispose of the animal by removal of the animal from Fairfax County, by giving or selling the animal to a zoological park or by releasing the animal to the Animal Services Division, which shall release the animal to the wild, to a zoological park, or other entity approved for the care or protection of the particular species. (26-04-41.1.)



ARTICLE 5. - Traveling Animal Exhibitions.

Section 41.1-5-1. Permit to operate required.

Section 41.1-5-2. Issuance of permit.

Section 41.1-5-1. Permit to operate required.

It is unlawful for any traveling animal exhibition to operate within Fairfax County without a valid permit issued by the Commander of the Animal Services Division. A permit fee of \$50.00 shall be paid at the time the application for permit is made. The permit shall not be transferable and shall be posted in a conspicuous place on the premises occupied by the traveling animal exhibition for the entire duration of any such spectacle, display, act or event. (26-04-41.1.)

Section 41.1-5-2. Issuance of permit.

(a) The owner or operator of any traveling animal exhibition desiring to operate in Fairfax County shall make written application for permit on forms provided by the Animal Services Division no later than 21 days prior to the first performance of any spectacle, display, act or event. The application shall include but not be limited to the name of the owner of the traveling animal exhibition, all proposed locations in Fairfax County for the traveling animal exhibition, the date the traveling animal exhibition is to arrive in Fairfax County, the date of departure, all dates on which it is to perform at any location in Fairfax County, the owner's principal address and telephone number, the total length of time during which the traveling animal exhibition will operate in Fairfax County, a list of all locations at which the traveling animal exhibition has performed during the twelve-month period prior to making this application, whether or not the owner or operators of the traveling animal exhibition have been charged or convicted of an offense constituting cruelty to animals, a brief description of the acts or events to be performed and the signature of the owner or representative thereof. The applicant shall attach to the application a copy of a current and valid United States Exhibitor's License.

(b) Prior to approval of an application for a permit, an animal control officer and a U.S.D.A. accredited veterinarian, licensed by the Commonwealth of Virginia, chosen by the Commander of the Animal Services Division, shall inspect the animals and the proposed premises of the traveling animal exhibition to determine compliance with the requirements of this Article.

(c) Upon inspection, the animal control officer and the veterinarian referenced herein above shall determine whether all animals maintained by the traveling animal exhibition have been given adequate feed, adequate water, adequate shelter, adequate space for



the particular type of animal depending upon its age, size and weight, adequate veterinary care when needed, and humane care and treatment.

(d) The Commander of the Animal Services Division shall issue a permit to the traveling animal exhibition if the inspection reveals that the traveling animal exhibition complies with the requirements of this Article and shall notify the Zoning Administrator that a permit has been issued. The permit will be valid for the length of time requested on the application not to exceed 21 days from the date of issuance.

(e) The Commander of the Animal Services Division may deny the application for permit if the traveling animal exhibition fails to comply with any of the requirements of this Article.

(f) Any costs of fees incurred by Fairfax County as a result of the inspection and permit process shall be charged to the traveling animal exhibition. Payment of all such costs shall be in addition to the \$50.00 permit fee required by this Article and shall be considered a precondition to the issuance of the permit. (26-04-41.1.)



Fairfax County Code, Chapter 41.1: Animal Control and Care

ARTICLE 1: IN GENERAL	1
ARTICLE 2: ANIMAL CONTROL AND RABIES CONTROL	6
ARTICLE 3: PET SHOPS	17
ARTICLE 4: KEEPING OF WILD, EXOTIC OR VISCIOUS ANIMALS PROHIBITED	19
ARTICLE 5: TRAVELING ANIMAL EXHIBITIONS	20



Fairfax County Health Department
10777 Main Street, Suite 203
Fairfax, VA 22030

www.fairfaxcounty.gov/hd/eh

A Fairfax County, VA., publication. For more information or to request this information in an alternate format, call the Fairfax County Health Department at 703-246-2411, TTY 711.