



ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item
Meeting of May 17, 2008**

DATE: April 29, 2008

SUBJECT: Amend Chapter 2, Animals & Fowl, of the Arlington County Code to establish with limited exceptions that it is unlawful to keep any poisonous reptile effective thirty (30) days from the date of adoption.

C. M. RECOMMENDATION:

Adopt amendments to Chapter 2 of the Arlington County Code, contained in Attachment A, regulating poisonous reptiles effective 30 days after adoption.

ISSUES: Should the County Board amend Chapter 2, *Animals and Fowl*, of the Arlington County Code to prohibit the possession, keeping, and permitting of poisonous reptiles in Arlington County?

SUMMARY: The proposed ordinance amendments would prohibit the possession of poisonous reptiles 30 days after the adoption of the ordinance.

BACKGROUND: Current County Code regulates reptiles in terms of prohibited behaviors. Subsection 2-19 states: "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." Subsection 2-20 provides that "It shall be unlawful for any person or persons to display, exhibit, handle, or use any poisonous or dangerous reptile in such a manner as to endanger the life or health of any person."

On March 11, 2008, County police, animal control, and code enforcement staff responded to a report of numerous venomous snakes in a single family house in Arlington. After a multi-agency investigation it was determined that there was no violation of any law, ordinance or regulation. There is no prohibition of possession of poisonous reptiles and it can be difficult to prove violations of regulations governing handling of these animals.

The Virginia Department of Game and Inland Fisheries (VDGIF) has the authority to regulate native (indigenous) wildlife in Virginia, with the primary purpose of protecting wildlife. Its mandate is not oriented to the health and safety of humans. Generally, regulations prohibit the buying or selling of native wildlife, but do not appear to cover most non-native (exotic) wildlife.

County Manager: _____

County Attorney: _____

Staff: Erica Bidgood and Richard Cole, Department of Human Services, Environmental Health

VDGIF prohibits the possession and importation of a number of specified non-native (exotic) animal species without a special permit from the State, including crocodiles and alligators but not including exotic venomous reptiles. There is a statute that states that exotic reptiles may not be kept in a manner that will permit escape; similar language also exists in the County Code, section 2-19. The State issues permits to licensed pet stores and captive breeders to sell three species of captive-bred non-venomous snakes. Other than these, no other snake native to Virginia may be bought or sold in the State.

The Virginia Department of Agriculture and Consumer Services (VDACS) regulates dogs, cats, and other domestic animals, such as fowl and livestock. There are no VDACS regulations that ban possession and sale of exotic animals.

The Code of Virginia authorizes the County to regulate animals, other than dogs and cats, when it is necessary to preserve the public health. It further provides that the County may determine that such animals shall not be kept within certain areas. Those animals are defined to include native, as well as exotic wild animals.

Regulation of exotic animals varies widely from State to State and from jurisdiction to jurisdiction. Some ban possession of all wild and exotic animals (except for specific authorized entities such as zoos and research centers). In our area, the District of Columbia and Prince George's County generally prohibit all wild or exotic animals. Prince William and Fairfax Counties and the City of Falls Church also prohibit wild, exotic or vicious animals. These jurisdictions define wild or exotic animals by listing them. Falls Church, on the other hand, defines wild or exotic animals by excluding animals typically thought of as pets. A summary and comparison of regulations of area jurisdictions are contained in Attachment B.

DISCUSSION: Staff in Fairfax County has indicated a desire to make changes in their ordinance, which was basically copied from Prince William County. Alexandria, which like Arlington does not ban wild or exotic animals, is investigating the need for an ordinance. The whole area of wild or exotic pets has grown over the years, with increased availability of more exotic species at the same time that animal advocacy groups are lobbying for increasing restrictions. Therefore a wide ban on wild or exotic animals is likely to be complicated and possibly difficult.

If such a wide ban were desired, County staff would like to initiate a regional collaboration effort to determine best practices and craft a regional approach to the issue. Efforts would be made to involve the range of local agencies involved as well as appropriate State and federal agencies to prevent conflict and overlap and ensure coordination across jurisdiction boundaries. Appropriate constituencies, such as pet owners, pet stores, animal advocates, and wildlife experts would need to be consulted.

Such an effort, however, would take some time. In the meantime, there is a need to deal with immediate public health and safety issues. Therefore staff is recommending proceeding with a limited ban on poisonous reptiles, including snakes, which would be effective 30 days after adoption. This will amend the current code which regulates reptiles in terms of prohibiting behaviors. The grandfathering of poisonous reptiles is not recommended. Staff will report back to the County Board with further recommendations regarding regulation of other wild or exotic animals.

In addition, staff will work with current owners of poisonous reptiles to ensure proper disposition of animals.

FISCAL IMPACT: None. Staffing and other resources needed to enforce a ban on poisonous reptiles would be absorbed within current budgets. As proposed, the owner or custodian of a poisonous reptile found would bear the financial burden of its capture and disposal.

Attachment A

AMENDMENT TO CHAPTER 2 THE ARLINGTON COUNTY CODE TO INCLUDE PROHIBITING THE POSSESSION, KEEPING AND PERMITTING OF POISONOUS REPTILES IN ARLINGTON COUNTY EFFECTIVE 30 DAYS AFTER THE ADOPTION OF THE ORDINANCE.

BE IT ORDAINED that Chapter 2 of the Arlington County Code is amended, reenacted and recodified as follows effective thirty (30) days from the date of adoption:

* * *

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.

~~Running To be at large~~ shall ~~mean~~ refer to any reptile as defined in this section, which, through any method of movement, is off the property of its owner or custodian ~~and or~~ not under its owner's or custodian's immediate control, whether it has escaped accidentally or been purposely released.

§ 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.

(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.

(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 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.

(e) It shall be unlawful for any person to purposely release a poisonous reptile into the community.

§ 2-20. ~~Handling or using reptiles so as to endanger human life or health.~~ Penalty.

~~It shall be unlawful for any person or persons to display, exhibit, handle, or use any poisonous or dangerous reptile in such a manner as to endanger the life or health of any person.~~

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.

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