Chapter 4

ANIMALS AND FOWL*

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***Editor's note**—Ord. No. 95-30, adopted Oct. 3, 1995, amended former Ch. 4, §§ 4-1—4-29 in its entirety to read as herein set out. Former Ch. 4 pertained to similar subject matter and derived from Ord. No. 91-8, 12-3-91; Ord. No. 94-5, 6-7-94; Ord. No. 95-9, 4-4-95.

Cross references—Noisy animals, § 13.5-3(b); nuisances, Ch. 14, public parks, Ch. 16.

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ARTICLE I. IN GENERAL

Sec. 4-1. Definitions.

Notwithstanding anything in this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Animal shall include any live vertebrate creature, domestic or wild, not to include birds.

Animal warden. The term "animal warden" means any person employed, contracted, or appointed by the board of supervisors of the county for the purpose of aiding in the enforcement of this chapter or any other law or ordinance relating to the licensing of dogs, control of dogs and cats, cruelty to animals, or seizure and impoundment of companion animals and includes any state or municipal police officer, animal control officer, sheriff, constable, or other employee whose duties in whole or in part include assignments which involve seizure or taking into custody of any dog or other animal.

Companion animal. 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 which 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.

Dangerous dog. The term "dangerous dog" means a canine or canine crossbreed which has bitten, attacked, or inflicted injury on a person or companion animal, other than a dog, or killed a companion animal.

Kennel. Any establishment in which five (5) or more canines, felines, or hybrids of either are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling or showing.

Own; owner. The terms "own" and "owner" apply to any person having a right of property in a dog or cat; any person who keeps or harbors a dog or cat or has it in his/her care, or who acts as a custodian of a dog or cat.

Pet shall mean any animal kept for pleasure rather than utility.

Vicious dog. The term "vicious dog" means a canine or canine crossbreed which has (i) killed a person; (ii) inflicted serious injury to a person, including multiple bites, serious

disfigurement, serious impairment of health, or serious impairment of a bodily function; or (iii) continued to exhibit that behavior which resulted in a previous finding by a court that it is a dangerous dog, provided that its owner has been given notice of that finding.

Wild or exotic animal shall mean any live monkey (non-human primate), raccoon, skunk, wolf, squirrel, fox, leopard, panther, tiger, lion, lynx or any other warm-blooded animal, poisonous snake, constricting snake greater than three (3) feet in length or tarantula, which can normally be found in the wild state or any other member of crocodilian, including but not limited to, alligators, crocodiles, caymans, and gavials. Ferrets, rabbits, and laboratory rats which have been bred in captivity, and which have never known the wild, shall be excluded from the definition.
(Ord. No. 95-30, 10-3-95)

Sec. 4-2. Lawful fences established; certain animals prohibited to stray.

Pursuant to the provisions of section 55-310 of the Code of Virginia, 1950, as amended, the board of supervisors hereby declares that all fences and the boundary line of each lot or tract of land on each side of each public road in the county shall be lawful fences as to any livestock domesticated by man as mentioned in section 55-306 of the Code of Virginia, 1950, as amended; and it shall be unlawful for the owner or manager of any horse, mule, cattle, hog, sheep or goat to permit any such animal, as to which the fences or boundaries of lots or tracts of land are made lawful fences by this section, to run at large beyond the limits of his own lands within the county. The owner or manager of any such animal permitted to run at large shall be liable for the actual damages sustained. When punitive damages are awarded, the same shall not exceed twenty dollars ($20.00) in any case. For every succeeding trespass, the owner or manager of such animal shall be liable for double damages, both actual and punitive.
(Ord. No. 95-30, 10-3-95)

State law references—Damages for trespass by animals; §§ 55-306; local fence laws, § 55-310.

Sec. 4-3. Fowl, poultry and livestock not permitted to stray.

It shall be unlawful for any person to allow or permit any fowl, poultry or livestock of any description to stray to any highway or public property or private premises of another; and all poultry, fowl and livestock shall be sufficiently confined or fenced up by the owner or person exercising control over such poultry, fowl or livestock, so as to prevent such poultry, fowl or livestock from trespassing or straying. Any violation of this section shall be punishable as provided in section 4-2.
(Ord. No. 95-30, 10-3-95)

Sec. 4-4. Maintenance of animals and fowl.

Each stable, pen, coop or other place where any animal or fowl is kept shall be maintained at all times in a safe and sanitary condition and so as not to constitute a nuisance. Solid and

liquid waste matter shall be removed as frequently as may be necessary to prevent offensive odors or to prevent accumulations constituting a hazard to the health or safety of any person. (Ord. No. 95-30, 10-3-95)

Cross reference—Maintenance of animals and fowl as to nuisance, § 14-3.

Sec. 4-5. Dangerous animals.

It shall be unlawful for any person to suffer or permit any animal belonging to him or under his control, and known to be dangerous or reasonably suspected of being dangerous, to go at large within the county. If the owner or such person having control, upon notice such animal is at large, fails to take into custody forthwith, and its running at large creates a danger to the public or to any person or property, the animal shall be killed forthwith by order of the sheriff or animal warden when deemed necessary for public safety. Any such person who allows such dangerous animal to run at large creating a danger to the public or to any person or property shall be liable to be fined not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00) for each such violation. For purposes of this section, the term "animal" shall not include any dogs; canine or canine crossbreed which shall be regulated in accordance with section 4-26 of this chapter.
(Ord. No. 95-30, 10-3-95)

Sec. 4-6. Cruelty to animals; penalty.

Any person who:

(1) Overrides, overdrives, overloads, tortures, ill treats, abandons, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation, or cruelly or unnecessarily beats, maims, mutilates, or kills any animal, whether belonging to himself or another; or

(2) Deprives any animal of necessary sustenance, food, drink or shelter; or

(3) Willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal; or

(4) Carries or causes to be carried in or upon any vehicle, vessel, or otherwise any animal in a cruel, brutal, or inhumane manner, so as to produce torture or unnecessary suffering; or

(5) Causes any of the above things, or being the owner of such animal permits such acts to be done by another;

shall be guilty of a Class I misdemeanor. Prosecution for violations of this section shall commence within five (5) years of the commission of the offense. Prosecution under this section regarding agricultural animals as defined in § 3.1-796.66 of the Code of Virginia, 1950, as amended, shall commence within one (1) year after the commission of the offense; but nothing in this section shall be construed to prohibit the dehorning or castration of cattle, hogs, sheep or goats.
(Ord. No. 95-30, 10-3-95)

State law reference—Cruelty to animals; penalty, § 3.1-796.122.

Sec. 4-7. Leaving disabled or dead animal in roads or allowing dead animal to remain unburied.

If any person cast any dead animal into a road or knowingly permit any dead animal to remain unburied upon his property when offensive to the public or, having in custody any maimed, diseased, disabled or infirm animal, leaves it to lie or be in a street, road or public place, he shall be guilty of a Class 3 misdemeanor.
(Ord. No. 95-30, 10-3-95)

State law reference—Disabled or dead animals, § 18.2-323.

Sec. 4-8. Disposition of dead companion animal.

The owner of any companion animal which has died from disease or other cause shall forthwith cremate, bury, or sanitarily dispose of the same. If, after notice, any owner fails to do so, the animal warden or other officer, shall bury or cremate the companion animal, and he may recover on behalf of the county from the owner his costs for this service.
(Ord. No. 95-30, 10-3-95)

State law reference—Similar provisions, § 3.1-796.12.

Sec. 4-9. Burial or cremation of animals or fowls which have died.

When the owner of any animal or grown fowl which has died knows of such death, such owner shall forthwith have its body cremated or buried, and, if he fails to do so, any judge of a general district court, after notice to the owner if he can be ascertained, shall cause any such dead animal or fowl to be cremated or buried by an officer or other person designated for the purpose. Such officer or other person shall be entitled to recover of the owner of every such animal so cremated or buried the actual cost of the cremation or burial, not to exceed seventy-five dollars ($75.00), and the owner of every such fowl so cremated or buried the actual cost of the cremation or burial, not to exceed five dollars ($5.00), to be recovered in the same manner as officers' fees are recovered, free from all exemptions in favor of such owner. Any person violating the provisions of this section shall be guilty of a Class 4 misdemeanor. Nothing in this section shall be deemed to require the burial or cremation of the whole or portions of any animal or fowl which is to be used for food or in any commercial manner.
(Ord. No. 95-30, 10-3-95)

ARTICLE II. DOGS AND CATS

Sec. 4-10. Enforcement of dog and domestic animal laws; animal warden and deputies.

In accordance with section 3.1-796.104 of the Code of Virginia, 1950, as amended, the enforcement of all dog laws and all laws for the protection of domestic animals in this county, and the enforcement of this chapter, is vested in the sheriff, deputy sheriffs, animal warden

and such deputy animal wardens, if any, as may be authorized by the board of supervisors of Fauquier County, who shall be appointed pursuant to the provisions of section 3.1-796.104 of the Code of Virginia, 1950, as amended.
(Ord. No. 95-30, 10-3-95)

Sec. 4-11. Dogs and cats deemed personal property; rights relating thereto.

All dogs and cats in this county shall be deemed personal property and may be the subject of larceny and malicious or unlawful trespass, and the owners thereof may maintain any action for the killing of any such dogs or cats, or injury thereto, or unlawful detention or use thereof as in the case of other personal property. The owner of any dog or cat which is injured or killed contrary to the provisions of this chapter by any person shall be entitled to recover the value thereof or the damage done thereto in an appropriate action at law from such person. An animal warden or other law enforcement officer finding a stolen dog or cat, or a dog or cat held or detained contrary to law, shall have authority to seize and hold such dog or cat pending action before the general district court or other court. If no such action is instituted within seven (7) days, the animal warden or other officer shall deliver the dog or cat to its owner. The presence of a dog or cat on the premises of a person other than its legal owner shall raise no presumption of theft against such owner of such premises, and the animal warden shall take such dog or cat in charge and notify its legal owner to remove him. The legal owner of the dog or cat shall pay a reasonable charge for the keeping of such dog or cat while in the possession of the animal warden.
(Ord. No. 95-30, 10-3-95)

State law reference—Similar provisions, § 3.1-796.127.

Sec. 4-12. Vaccination of dogs and domesticated cats required.

(a) It shall be unlawful for any person to own, keep or harbor any dog or domesticated cat over four (4) months old within the county unless such dog or domesticated cat has been vaccinated with a species-appropriate vaccine licensed by the United States Department of Agriculture and administered by a licensed veterinarian, and has received any required revaccination against rabies as specified in the certificate of vaccination.

(b) Upon vaccination or revaccination of a dog or domesticated cat as required by this section, a certificate of vaccination, properly executed and signed by the licensed veterinarian performing the vaccination, shall be issued to the animal's owner by the veterinarian, who shall retain a copy of the certificate for his or her records.

(c) The certificate issued pursuant to paragraph (b) of this section shall be NASPHV Form 50, or its equivalent, and shall certify that the dog or domesticated cat has been vaccinated against rabies in accordance with this article, and shall include the following information:

(1) The date of the vaccination;

(2) The date for required revaccination;

(3) A brief description of the dog or cat or its age, sex and breed; and

(4) The name and address of the animal's owner.

(d) The certificate issued pursuant to paragraph (b) of this section shall be preserved by the owner of the dog or domesticated cat and exhibited promptly on request for inspection by any law enforcement officer.

(e) Any person owning, keeping or harboring any dog or domesticated cat over four (4) months old shall have the required vaccination performed within thirty (30) days of the passage of this article, or within thirty (30) days from the day on which the dog or domesticated cat is first owned, kept, harbored, or moved into the county by the person, whichever is later.

(f) Dogs shall be revaccinated no later than three (3) years from the vaccination required hereunder, and every third year thereafter.
(Ord. No. 95-30, 10-3-95)

State law reference—Rabies inoculation of dogs and domesticated cats, § 3.1-796.97.1.

Sec. 4-13. Dog license—Required; amount of tax; treasurer to purchase materials; keep records, etc., form of tag.

(a) It shall be unlawful for any person to own a dog of any sex, four (4) months or more of age, in the county, unless an annual license tax, in the amount of two dollars ($2.00) for spayed or neutered dogs, or ten dollars ($10.00) for unspayed or unneutered dogs, or a triennial license tax in the amount of five dollars ($5.00) for spayed or neutered dogs, or twenty-five dollars ($25.00) for unspayed or unneutered dogs, has been paid for each dog at the office of the treasurer or his designated agent. Any violation of the provisions of this subsection shall be punishable as provided in section 4-28.

(b) The treasurer shall purchase necessary tags and receipt books, to be paid for by the county; shall maintain necessary records and accounts; and shall dispose of unsold tags as appropriate.

(c) The tax herein provided in subsection (a) shall not apply to the following:

(1) Kennel for twenty (20) through forty-nine (49) dogs, for which there is hereby imposed an annual license tax of thirty dollars ($30.00).

(2) Kennel for fifty (50) or more dogs, for which there is hereby imposed an annual license tax of fifty dollars ($50.00).

(d) The tag shall be of such material and in such form as prescribed by the treasurer and approved by the board of supervisors and shall bear the words "Fauquier County, Virginia" and the license year for which issued.

(e) No dog license tax shall be imposed on any dog which is trained and serves as a guide for a blind person or as a hearing dog for a deaf or hearing impaired person or as a service dog for a mobility-impaired person.
(Ord. No. 95-30, 10-3-95)

Sec. 4-14. Same—How to obtain.

Any resident of this county may obtain a dog license by making oral or written application to the treasurer or his designated agent, accompanied by the amount of the dog license tax and a current certificate of vaccination as required by this article. The treasurer or his designated agent shall have authority to license only dogs of resident owners or custodians who reside within the boundary limits of this county and may require information to this effect from any applicant. Upon receipt of proper application together with the amount of the dog license tax and display of the current certificate of vaccination, the treasurer or his designated agent shall issue a license receipt for the amount of the tax, on which he shall record the name and address of the owner or custodian, the date of payment, the year or years for which issued, the serial number of the tag, whether male, unsexed female, female or kennel, and deliver the metal license tag to such owner or custodian. The information thus received shall be retained by the treasurer, open to public inspection, during the period for which the license is valid.
(Ord. No. 95-30, 10-3-95)

Sec. 4-15. Same—When dog license tax payable.

The license tax on dogs shall be due and payable as follows:

(a) On or before January first and not later than January thirty-first of each year, the owner of any dog four (4) months old or older shall pay a license tax as prescribed in the preceding section.

(b) If a dog shall become four (4) months of age or if a dog over four (4) months of age unlicensed by this county shall come into possession of any person in this county between January first and October thirty-first of any year, a license tax for the current calendar year shall be paid forthwith by the owner.

(c) If a dog shall become four (4) months of age or if a dog over four (4) months of age unlicensed by this county shall come into the possession of any person in this county between November first and December thirty-first of any year, the license tax for the succeeding calendar year shall be paid forthwith by the owner and such license shall be valid from the date the license is purchased.

Notwithstanding the provisions of subsections (a), (b) and (c), the owner of any dog may, at the time specified in subsections (a), (b) and (c), pay the license tax for a three-year period.
(Ord. No. 95-30, 10-3-95)

Sec. 4-16. Same—Certificate of inoculation or vaccination prerequisite for issuance of dog license.

No dog license tag shall be issued for any dog unless there is displayed to the treasurer or his designated agent at the time application for a license is made, a current certificate of inoculation or vaccination by a currently licensed veterinarian which discloses that such dog is currently immune to rabies.
(Ord. No. 95-30, 10-3-95)

Sec. 4-17. Same—Duplicate license tags.

If a dog license tag shall become lost, destroyed or stolen, the owner or custodian shall at once apply to the treasurer or his designated agent who issued the original license for a duplicate license tag, presenting the original license receipt. Upon affidavit of the owner or custodian before the treasurer or his designated agent that the original license tag has been lost, destroyed or stolen, he shall issue a duplicate license tag which the owner or custodian shall immediately affix to the collar of the dog. The treasurer or his designated agent 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 shall be one dollar ($1.00).
(Ord. No. 95-30, 10-3-95)

Sec. 4-18. Same—Payment of license tax subsequent to summons.

Payment of the dog license tax subsequent to a summons to appear before the judge of the general district court or other court for failure to pay the license tax within the time required shall not operate to relieve such owner from the penalties provided.
(Ord. No. 95-30, 10-3-95)

Sec. 4-19. Disposition of dog license taxes collected.

Dog license taxes collected by the treasurer or his designated agent pursuant to the provisions of this article shall be paid into the general fund of the county treasury.
(Ord. No. 95-30, 10-3-95)

Sec. 4-20. Displaying receipts; dogs to wear tags.

Dog license receipts shall be carefully preserved by the licensees and exhibited promptly on request for inspection by any animal warden or other law enforcement officer. Dog license tags shall be securely fastened to a substantial collar by the owner or custodian and worn by such dog. It shall be unlawful for the owner to permit any licensed dog four (4) months old or over to run or roam at large at any time without a license tag, except the collar and tag may be temporarily removed when (i) engaged in lawful hunting in the open season, (ii) the dog is competing in a dog show, (iii) the dog has a skin condition which would be exacerbated by the wearing of a collar, (iv) the dog is confined, or (v) the dog is under the immediate control of its owner. Any violation of this section shall be punishable as provided in section 4-28.
(Ord. No. 95-30, 10-3-95)

State law reference—Similar provisions, § 3.1-796.92.

Sec. 4-21. Effect of dog not wearing collar as evidence.

Any dog not wearing a collar bearing a license tag of the proper calendar year shall prima facie be deemed to be unlicensed, and in any proceedings under this article 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.
(Ord. No. 95-30, 10-3-95)

Sec. 4-22. Running at large prohibited.

It shall be unlawful for any owner or custodian of a dog to permit the same to run at large at anytime within this county. For the purpose of this section, a dog shall be deemed running at large while roaming, running or self-hunting off the property of its owner or custodian and not under its owner or custodian's immediate control. Any person who permits his dog or dogs to run at large shall be deemed to have violated the provisions of this section and shall be liable upon conviction of a first offense to a fine of not more than one hundred dollars ($100.00). Each second and subsequent conviction for violating this section shall be punishable by a fine of up to but not more than two hundred fifty dollars ($250.00) or imprisonment for a term not to exceed five (5) days, or both by such fine and imprisonment.
(Ord. No. 95-30, 10-3-95)

State law reference—Similar provisions, § 3.1-796.92.

Sec. 4-23. Kennel dogs.

The owner of a dog kennel shall securely fasten the license tag to the kennel enclosure in full view and keep one (1) of the identification plates provided therewith attached to the collar of each dog authorized to be kept enclosed in the kennel. Any identification plates not so in use must be kept by the owner or custodian and promptly shown to any law enforcement officer upon request. A kennel dog shall not be permitted to stray beyond the limits of the enclosure but this shall not prohibit removing dogs therefrom temporarily while under the control of the owner or custodian for the purpose of exercising, hunting, breeding, trial, or show. A kennel shall not be operated in such a manner as to defraud the county of the license tax applying to dogs which cannot be legally covered thereunder or to in any manner violate other provisions of this article. Any violation of this section shall be punishable as provided in section 4-28.
(Ord. No. 95-30, 10-3-95)

Sec. 4-24. Abandoning animal on highway or elsewhere.

Any person who abandons any dog, cat or other domesticated animal in any public place including the right-of-way of any highway, road or street or on the property of another shall be guilty of a Class 3 misdemeanor.
(Ord. No. 95-30, 10-3-95)

State law reference—Cruelty to animals, § 3.1-796.122.

Sec. 4-25. Certain other acts declared unlawful.

The following shall be deemed unlawful acts:

(a) *Diseased dog or cat.* For the owner of any dog or cat with a contagious or infectious disease to permit such dog or cat to stray from his/her premises, if such disease is known to the owner.

(b) *Female dog or cat in season.* For the owner of any female dog of female cat to permit such dog or cat to stray from his/her premises while such dog or cat is known to such owner to be in season.

(c) *Concealing a dog or cat.* For any person to conceal or harbor any dog or cat on which any required license tax has not been paid, or to conceal a rabid dog or a rabid cat to keep it from being killed.

(d) *Removing collar and tag.* For any person, except the owner or custodian, to remove a legally acquired license tag from a dog or cat without the permission of the owner or custodian.

Any violation of this section shall be punished in a manner set forth in section 4-28 of this chapter.
(Ord. No. 95-30, 10-3-95)

State law reference—Penalties for offenses involving animals, § 3.1-796.128.

Sec. 4-26. Dangerous or vicious dogs.

(a) Any animal warden who has reason to believe that a canine or canine crossbreed within his jurisdiction is a dangerous dog or vicious dog shall apply to a magistrate or the jurisdiction 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 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. The court, through its contempt powers, may compel the owner, custodian or harborer of the animal to produce the animal, if, after hearing the evidence, the court finds that the animal is a dangerous dog, the court shall order the animal's owner to comply with the provisions of the ordinance. If, after hearing the evidence, the court finds that the animal is a vicious dog, the court shall order the animal euthanized in accordance with the provisions of Section 3.1-796.119 of the Code of Virginia, as amended.

(b) No canine or canine crossbreed shall be found to be a dangerous dog or vicious dog solely because it is a particular breed, nor shall the local governing body prohibit the ownership of a particular breed of canine or canine crossbreed. No animal shall be found to be a dangerous dog or vicious dog if the threat, injury or damage was sustained by a person who was (i) committing, at the time, a crime upon the premises occupied by the animal's owner or custodian, (ii) committing, at the time, a willful trespass or other tort upon the premises occupied by the animal's owner or custodian, or (iii) 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 as such at the time of the acts complained of shall be found to be a dangerous dog or a 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 or owner's property, shall be found to be a dangerous dog or a vicious dog.

(c) The owner 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 in addition to other fees that may be authorized by law. The local animal warden shall also provide the owner with a uniformly designed tag which identifies the animal as a dangerous dog. The owner 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 subdivision shall be reviewed annually for the same fee and in the same manner as the initial certificate was obtained.

(d) All certificates or renewals thereof required to be obtained under this section shall only be issued to persons eighteen years of age or older who present satisfactory evidence (i) of the animal's current rabies vaccination, if applicable, and (ii) that the animal is and will be confined in a proper enclosure, or is and will be confined inside the owner's residence, or is and will be muzzled and confined inside the owner's fenced-in yard until the proper enclosure is constructed. In addition, owners 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 (i) 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 (ii) the animal has been permanently identified by means of a tattoo on the inside thigh or by electronic implantation.

(e) While on the property of its owner, an animal found by a court to be a dangerous dog shall be confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent its escape or direct contact with or entry by minors, adults, or other animals. The structure shall be designed to provide the animal with shelter from the elements of nature. When off its owner's property, an animal found by a court to be a dangerous dog shall be kept on a leash 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.

(f) If the owner of an animal found by a court to be a dangerous dog is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this section.

(g) After an animal has been found by a court to be a dangerous dog, the animal's owner shall immediately, upon learning of same, notify the local animal control authority if the animal (i) is loose or unconfined; (ii) bites a person or attacks another animal; (iii) is sold, given away, or dies; or (iv) has been moved to a different address.

(h) The owner of any animal which has been found by a court to be a dangerous dog who willfully fails to comply with the requirements of the ordinance shall be guilty of a Class 1 misdemeanor.

(i) All fees collected pursuant to the ordinance, less the costs incurred by the animal control authority in producing and distributing the certificates and tags required by the ordinance, shall be paid into a special dedicated fund in the treasury of the county for the purpose of paying the expenses of any training course required under Section 3.1-796.105 of the Code of Virginia, as amended.
(Ord. No. 95-30, 10-3-95)

State law reference—Authority to control dangerous or vicious dogs, § 3.1-796.93.1.

Sec. 4-27. Poisoning dog or cat.

It shall be unlawful for any person except the owner or his/her authorized agent to administer poison to any such dog or cat or to expose poison where it may be taken by any such dog or cat, or to injure, disfigure, disable or kill any dog or cat, except as otherwise provided in this article.
(Ord. No. 95-30, 10-3-95)

Sec. 4-28. Violations and penalties.

(a) Any person who shall make a false statement in order to secure a dog license to which he is not entitled, shall be guilty of a Class 4 misdemeanor.

(b) Any person convicted of failure to pay the license tax prior to February first of any year, or as otherwise provided in this article, on any dog owned by him, shall be guilty of a Class 4 misdemeanor. In addition, the court may order the confiscation and proper disposition of the dog unless the fine and license tax is immediately paid.

(c) If a dog be found running and roaming at large at any time of the year in violation of the provisions of section 4-22, its owner shall pay a fine of not less than two dollars and fifty cents ($2.50) for the first offense and five dollars ($5.00) for each offense thereafter, and, if it is a kennel dog, the license may be revoked if the law appears to the trial court to have been violated by reason of carelessness or negligence on the part of the owner, who shall thereupon be required to secure an individual license on each dog.

(d) Any other violation of this article for which a specific penalty is not provided shall be punishable as a Class 4 misdemeanor.
(Ord. No. 95-30, 10-3-95)

State law reference—Penalties for offenses involving animals, § 3.1-796.128.

ARTICLE III. KEEPING OF WILD OR EXOTIC ANIMALS

Sec. 4-29. Keeping, displaying or exhibiting exotic or wild animals.

No person shall keep or permit to be kept any wild or exotic animal(s) as a pet or for display or exhibition purposes, whether gratuitously or for a fee, without first registering the animal with the animal warden pursuant to section 4-30 of this article. This section shall not apply to veterinary clinics, itinerant circuses, temporary performing animal exhibitions, or educational programs which are properly licensed by the federal government or Commonwealth of Virginia.
(Ord. No. 95-30, 10-3-95)

Sec. 4-30. Notice required at place of sale.

Any person who offers for sale any wild or exotic animal(s) as defined by section 4-1 of this chapter shall post conspicuously at the place of sale or display the following notice:

> "No person may lawfully keep or permit to be kept in Fauquier County, without first registering the animal(s) with the Fauquier County animal warden, any wild or exotic

animal, including: Live monkey (nonhuman primate), raccoon, skunk, wolf, squirrel, fox, leopard, panther, tiger, lion, lynx or any other warm-blooded animal, poisonous snake, constricting snake greater than three (3) feet in length or tarantula, crocodile or alligator, which can normally be found in the wild state or any other member of the crocodilian, including, but not limited to alligators, crocodiles, caymans, and gavials.
(Ord. No. 95-30, 10-3-95)

Sec. 4-31. Registration of certain wild animals.

The animal warden shall develop and implement a registration system for the keeping, care, and protection of wild or exotic animals as defined in section 4-1 of this chapter. The animal warden is authorized to charge a fee of twenty dollars ($20.00) per registrant to defray the cost of registration.
(Ord. No. 95-30, 10-3-95)

Sec. 4-32. Release of certain wild animals.

No person keeping any wild or exotic animal(s) shall release the animal(s) to the wild except as authorized by the animal warden.
(Ord. No. 95-30, 10-3-95)

Sec. 4-33. Penalty.

Any person violating any of the provisions of this article shall be punished in the same manner as a Class 4 misdemeanor as set forth in Title 18.2 of the Code of Virginia. Each day of violation of this article shall constitute a separate offense.
(Ord. No. 95-30, 10-3-95)

Sec. 4-34. Enforcement.

The provisions of this article shall be enforced by the sheriff, deputy sheriff, Fauquier County game warden, the animal warden or deputy animal warden, or any other person duly designated by the board of supervisors.
(Ord. No. 95-30, 10-3-95)

Sec. 4-35. Effective date.

(a) Any person who keeps a wild or exotic animal(s) in contravention of this article may dispose of the animal(s) by removal of the animal(s) to a zoological park or by releasing the animal(s) to the animal warden. The animal warden is authorized to release the animals to the wild, to a zoological park, or to any other proper organization or party, or to euthanize the animal(s), should the circumstances warrant.

(b) This article shall be effective immediately provided that any person currently keeping any wild or exotic animal(s) in Fauquier County shall register the animal(s) with the animal warden within ninety (90) days from the date of adoption of this article.
(Ord. No. 95-30, 10-3-95)

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