



Public Safety Committee Meeting

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Fairfax County Code Chapter 41.1

Keeping of Wildlife

Katherine Edwards, Ph.D., Certified Wildlife Biologist®
Fairfax County Wildlife Management Specialist
Fairfax County Police Department, Animal Services Division

Fairfax County Code Chapter 41.1, Animal Control and Care

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

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

County code currently prohibits the keeping of wild or exotic animals and only allows exceptions for the following circumstances:

- A single certified service animal in a household
- Zoological parks
- Traveling animal exhibitions
- Circuses
- Licensed veterinary clinics

Virginia Department of Game and Inland Fisheries (VDGIF)

- VDGIF has authority to issue permits for possession of wildlife. Federal permits are also required for some species (e.g., migratory birds).
 - Approximately 50 individuals in Fairfax County possess state/federal permits for wildlife.
 - VDGIF requires permittees to comply with local ordinances.
- “The permittee or any sub-permittee may not conduct the activities authorized by this permit if doing so would violate the laws or ordinances of the applicable county, municipal or tribal government, the Federal or State government, or any other applicable law.”*

VDGIF Permit Categories

- Wildlife rehabilitation
- Exhibiting wild animals (county, regional and state parks, nature centers, education/outreach groups)
- Scientific and educational collection
- State/federal falconry permits
- Holding and selling certain fish, snakes, turtles, crayfish (pet stores)
- Propagating and selling certain wildlife in Virginia



<https://www.dgif.virginia.gov/forms/>

Potential Impacts of Loss of Wildlife Permits

- Animal Protection Police
- Animal welfare/rescue groups
- County, regional and state park programs and revenue
- Business revenue
- Public education/outreach
- Wildlife conservation and recovery efforts



Recommendation

§ 41.1-4-1 Keeping prohibited; exceptions.

Staff recommend modification to the code to allow individuals or establishments possessing VDGIF permits and/or federal wildlife permits to possess wildlife in the county, including wildlife rehabilitators and exhibitors.

This code modification would bring the county into alignment with the state wildlife permitting conditions and reflect our current practices for Animal Control and Care, including wildlife.

Proposed Amendment to § 41.1-4-1

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

§ 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 (i) a single certified service animal in a household, (ii) zoological parks, (iii) traveling animal exhibitions, (iv) circuses or (v) individuals, organizations, or veterinary clinics that are properly licensed or permitted by an agency of the Federal Government or Commonwealth of Virginia, including, but not limited to, wildlife rehabilitators and exhibitors.

§ 41.1-4-1 Continued.

The wild or exotic animals of such licensed or permitted individuals or 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. Nothing in this Chapter shall be construed to permit the possession of any animal in violation of any law or regulation of the Federal Government or Commonwealth of Virginia.

Questions/Discussion