

DIVISION 5. - KEEPING OF WILD ANIMALS DANGEROUS TO PERSONS AND PROPERTY

Sec. 4-181. - Definitions.

As used hereinafter, the following term shall mean:

Wild Animals Dangerous to Persons and Property, hereinafter referred to as "Wild and Dangerous Animals": The term applies to the following animals: all felines (other than the domestic house cat), nonhuman primates, bears, wolves, coyotes, reptiles (poisonous, crushing, and giant), and any crossbreed of such animals which have similar characteristics of the animals specified herein. In order to properly administer the provisions of this Ordinance, the Animal Services Advisory Board may add to or remove from the classification of wild animal any bird, mammal, reptile, aquatic and amphibious forms, or other members of the animal kingdom. Additions to or deletions from the animals regulated herein may be made only if the Animal Services Advisory Board determines, after receiving evidence, that such animals because of habit, mode of life or natural instinct are either capable or incapable of being domesticated, requires the exercise of art, force or skill to keep them safely in subjection, and would or would not create a reasonable likelihood of hazard to the public.

(Ord. of 8-14-2001(2), § 1, eff. 8-14-01)

Sec. 4-182. - Keeping of wild and dangerous animals prohibited.

No Person, as defined in Section 4-37 of this Chapter, shall own, keep, maintain, or have under their control any wild and dangerous animal within Orange County.

(Ord. of 8-14-2001(2), § 2, eff. 8-14-01)

Sec. 4-183. - Exemptions.

The provisions of this Ordinance shall not apply to the keeping of wild and dangerous animals as follows, provided, such keeping is in all respects in compliance with applicable federal and state rules and regulations:

- (a) Animals owned or kept for for teaching and/or research purposes by institutions duly authorized and existing under the laws of the State of North Carolina, provided such institution is permitted for such animal(s) by the U.S. Department of Agriculture and continually maintains any necessary permits from state and federal agencies.
- (b) Bears, bobcats, and venomous snakes kept temporarily for rehabilitation by wildlife rehabilitators with a U.S. Fish and Wildlife Service Rehabilitation Permit and/or a North Carolina Wildlife Resources Commission Rehabilitation License (hereinafter, collectively, "rehabilitation license"), to the extent permitted by the rehabilitation license, provided the rehabilitator obtains prior approval from the Animal Services Director and the following conditions are met in order to assure the health and safety of the public:

- a. Said wildlife is maintained in accordance with applicable federal and state laws, rules, and regulations;
- b. The rehabilitator shall provide a safety plan for the management of the wildlife and a comprehensive recovery plan in the event of escape of the animal;
- c. The rehabilitator shall continuously maintain liability insurance with a minimum of \$5,000,000 per claim to compensate any person for personal injury or property damage caused by the wildlife;
- d. In addition to compliance with the requirements of N.C. Gen. Stat. § 14-417, § 14-417.1, and § 14-417.2, all venomous snakes kept pursuant to this subsection 4-183(b) shall be confined in accordance with the following:
 - i. All snake enclosures shall be within a building with secured exterior doors and windows, and
 - ii. All buildings containing snake enclosures shall be a minimum of two hundred (200) feet from any residential structures and property lines.
- e. Bobcats and bears shall be confined in secure enclosures or structures located a minimum of four hundred (400) feet or more from any residential structure or property line;

Approval for keeping these otherwise prohibited Wild and Dangerous Animals for rehabilitation purposes by rehabilitators permitted and/or licensed by the North Carolina Wildlife Resource Commission and/or the United States Fish and Wildlife Services shall be in the sole discretion of the Animal Services Director. No Wild and Dangerous Animal shall be kept by a rehabilitator for long-term captivity purposes. In addition to the above requirements, approval by the Animal Services Director shall be conditioned upon current permitting and/or licensing and a history of compliant permitting and/or licensing, as well as an on-site inspection of the premises on which the Wild and Dangerous Animals are to be kept. Failure to abide by any of the above requirements subsequent to approval by the Animal Services Director shall require immediate removal of the Wild and Dangerous Animals from the County.

- (c) Animals exempted by this Ordinance prior to [effective date of amendment], provided the Person owning, keeping maintaining, or controlling the wild and dangerous animal provides notice of the following to the Orange County Animal Services Director within one (1) years of [effective date] :
 - a. Notice of possession of the animal and the location at which the animal is kept;
 - b. Information regarding the acquisition of the animal;
 - c. A safety plan for the management of the animal; and
 - d. A recovery plan in the event of escape of the animal, including informing the Animal Services Department within twelve (12) hours of the animal's escape

Should a Person fail to provide notice of (a)-(d), above, within one (1) year of [effective date] for the purposes of amortization, the wild and dangerous animal shall be prohibited as described in this Division. *(Ord. of 8-14-2001(2), § 3, eff. 8-14-01)*

Sec. 4-184. - Enforcement.

- (a) *Investigations.* The Orange County Animal Services Department shall investigate any complaints that a wild and dangerous animal is possessed or harbored in Orange County in violation of this Ordinance to determine whether or not a violation has occurred.
- (b) *Violations.* Upon determining a violation of this Division has occurred, The Animal Services Director or its designee may:
 - (1) Provide written notification of the violation(s) that shall require the Owner or Keeper to remove the animal(s) from the County within twenty-four (24) hours or such lesser time as designated in the notice. The Owner or Keeper of any animal that has been required to remove the animal pursuant to this Section shall, within five (5) days after removal, inform the Animal Services Director in writing of the animal's present location, including the name, address, and telephone number of the animal's Owner or Keeper. If the animal has been destroyed, the Animal Services Director shall be informed of the name, address, and telephone number of the person who destroyed such animal.
 - (2) Impound the animal as a danger to the public. If the animal is impounded, authorization for reclamation after any required holding period shall be granted when the Animal Services Director or its designee is reasonably assured that the impounded animal shall be immediately removed from the County, including by the Owner or Keeper of the animal providing the intended location of the animal, including the name, address, and telephone number of the owner of the property where the animal shall be kept. Following reclamation, the Owner or Keeper shall provide notice confirming the animal's present location or destruction as described in subsection 4-184(b)(1), above. If the Owner or Keeper fails to provide the Animal Services Director reasonable assurance that the impounded animal will be immediately removed from the County upon reclamation, as described above, within five (5) days of impoundment, will become property of Animal Services and dispositioned in accordance with Animal Services' procedures.
- (c) *Recovery of Costs.* The Owner or Keeper of any wild and dangerous animal shall reimburse the County for all costs incurred by the County related to the recapture, impoundment, care, euthanasia, and/or relocation of the animal.
- (c) *Penalties.*
 - (1) Criminal Summons - A violation of any provision of this Division constitutes a misdemeanor and shall be punishable as provided in North Carolina General Statutes § 14-4. Each day's continuing violation shall constitute a separate offense.
 - (2) Civil penalty - A person who violates any of the provisions of this Division shall be subject to a civil penalty of \$500.00 per animal. No penalty shall be assessed until the person alleged to be in violation has

been notified of the existence and nature of the violation by written notification Each day of a continuing violation shall constitute a separate violation. The Animal Services Director shall make or cause to be made a written demand for payment to be served upon the person in violation, which shall set forth in detail a description of the violation for which the penalty has been imposed. If payment is not received or equitable settlement reached within fourteen (14) days after demand for payment is made, the matter may be referred to the County Attorney for institution of a civil action in the name of the County of Orange in the appropriate division of the general court of justice for recovery of the penalty. Any sums recovered shall be used to carry out the purposes and requirements of this Ordinance. Surrender or removal of an animal from the County shall not relieve the Owner or Keeper of responsibility for payment of the civil penalty that was assessed prior to the animal being surrendered or removed from the County.

- (3) Equitable and Injunctive relief - The County may institute a civil action for appropriate equitable remedy and/or injunctive relief and/or an order of abatement for violations or threatened violations of this Division pursuant to North Carolina General Statutes § 153A-123. The institution of any action for equitable or injunctive relief shall not relieve the Owner or Keeper of any criminal or civil penalties prescribed for violations of this Division.

(Ord. of 8-14-2001(2), § 4, eff. 8-14-01)

Sec. 4-185. - Severability.

If any provision of this Ordinance or the application thereof to any person or circumstance is declared to be invalid, such declaration of invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of the Ordinance are declared to be severable.

(Ord. of 8-14-2001(2), § 5, eff. 8-14-01)