

**AN ORDINANCE  
PROHIBITING THE  
DISPLAY OF WILD AND EXOTIC ANIMALS  
WITHIN ORANGE COUNTY**

WHEREAS, in order to protect the health, safety and welfare of its citizens and to prevent the abuse of wild and exotic animals, the County of Orange has determined that the display of wild or exotic animals should be prohibited within the County,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF ORANGE COUNTY as follows:

**Section 1. Definitions.** As used hereinafter, the following terms shall mean:

Board : The Board of County Commissioners of Orange County.

Director : The Director of the Orange County Health Department.

Display : “Display” shall mean any exhibition, act, circus, public show, trade show, photographic opportunity, carnival ride, parade, race, performance, or similar undertaking in which animals are required to perform tricks, fight, wrestle or participate in performances for the amusement or entertainment of an audience, whether or not a fee is charged. “Display” shall not include the use or exhibition of animals for animal-related educational purposes by non-profit groups or institutions or individuals. “Displayed” means to be the subject thereof.

Educational Purposes : Teaching and instructing with the intent and effect of imparting knowledge to others.

Person : Any individual, family, group of individuals, corporation, partnership, organization, or institution recognized by law as a person.

Wild or Exotic Animals: “Wild or exotic animal” shall mean any or all of the following animals, whether bred in the wild or in captivity, and also any or all of their hybrids with domestic species. It is not the intent of this section to include domesticated species such as horses, cows, sheep or llamas. The words in parentheses are intended to act as examples only and are not to be construed as being an exhaustive list or to otherwise limit the generality of each group of animals:

1. Non-human primates and prosimians (such as chimpanzees, monkeys);
2. Felids, except domesticated cats;
3. Canids, including wolf hybrids and except domesticated dogs;
4. Ursids (bears);
5. Elephants;
6. Marine mammals (such as whales, seals, sea lions, dolphins and otters);

7. Cocodilians (such as alligators and crocodiles);
8. Marsupials (such as kangaroos and opossums);
9. Snakes and reptiles;
10. Ungulates (such as hippopotamus, rhinoceros, giraffe, camel, zebra, deer);
11. Hyenas;
12. Mustelids (such as skunks, weasels, otters and badgers);
13. Procyonids (such as raccoons and coatis);
14. Endentates (such as anteaters, sloth and armadillos);
15. Viverrids (such as mongooses, civets, and genets); and
16. Camels.

**Section 2. Display of Wild or Exotic Animals Prohibited.** It shall be unlawful for any person to display or sponsor a display of wild or exotic animals on any public or private property within Orange County.

**Section 3. Enforcement.** Any person displaying or sponsoring a display of a wild or exotic animal at the date that this Ordinance is adopted to prohibit such display shall comply with the Ordinance's prohibition on the display of wild or exotic animals within thirty (30) days of the effective date of this Ordinance.

Investigations. The Orange County Animal Control Division shall investigate any complaints, reports or information that wild or exotic animals are being displayed or will be displayed in Orange County in violation of this Ordinance to determine whether or not a violation has occurred.

(1) If the Orange County Animal Control Division determines that wild or exotic animals are being displayed in Orange County in violation of this Ordinance, the investigating officer(s) shall issue a written warning to the person displaying the wild or exotic animal(s). The written notice shall be delivered, via hand delivery to a responsible person or via posting at the site of the display.

(2) The person against whom the warning is issued shall desist all activities in violation of this Ordinance as of the business day the written notice is given.

Penalties.

(1) Criminal Offenses - A violation of any provision of this Ordinance constitutes a Class 3 Misdemeanor and shall be punishable as provided in North Carolina General Statutes, Section 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

Ordinance shall be subject to a civil penalty of fifty dollars (\$50.00) 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 letter. Each day of a continuing violation shall constitute a separate violation. The 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.

(3) Injunctive Relief.

a) Whenever the Orange County Health Department, the Orange County Planning and Inspections Department or the North Carolina Wildlife Resources Commission has cause to believe that any person is violating or threatening to violate this Ordinance, the agency shall report the violation or threatened violation to the Director. The Director may, either before or after the institution of any other action or proceeding authorized by this Ordinance, institute a civil action in the name of the County of Orange for injunctive relief to restrain the violation of threatened violation.

(b) Upon determination by a court that an alleged violation is occurring or is threatened, it shall enter such orders or judgements as are necessary to abate the violation or to prevent the threatened violation. The institution of any action for injunctive relief under this section shall not relieve any civil or criminal penalty prescribed for violations of this Ordinance.

**Section 8. Severability.** If any provision of this Ordinance or the application thereof to any person or circumstance is declared to be invalid, such 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.

Adopted unanimously on first reading this 14<sup>th</sup> day of August 2001.