

**AN ORDINANCE PROHIBITING THE KEEPING OF
WILD ANIMALS DANGEROUS TO PERSONS AND PROPERTY
WITHIN ORANGE COUNTY**

WHEREAS, the Board of Commissioners is concerned for the safety and welfare of all of the citizens of Orange County as well as the safety, welfare and abuse of wild animals, and desires to enact an ordinance prohibiting the keeping of wild animals dangerous to persons and property in Orange County pursuant to Article 6 of Chapter 153A of the General Statutes of North Carolina.

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:

Director : The Director of the Orange County Health Department

Board : The Board of County Commissioners of Orange County.

Owner : Any person, firm, or corporation who keeps, has charge of, shelters, feeds, harbors, or takes care of any wild animal in Orange County.

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 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 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.

Section 2. Keeping of Wild and Dangerous Animals Prohibited. No person, firm or corporation shall keep, shelter, feed, harbor, or take care of any wild and dangerous animal within Orange County

Section 3. 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:

Animals used for teaching and/or research purposes at The University of North Carolina at Chapel Hill.

Section 4. Enforcement.

Investigations. The Orange County Health Department, the Orange County Inspections Division, and the North Carolina Wildlife Resources Commission shall investigate any complaints that a wild animal is possessed or harbored in Orange County in violation of this Ordinance to determine whether or not a violation has occurred.

Penalties

- (1) Criminal Offenses - A violation of any provision of this Ordinance constitutes a 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. Any sums recovered shall be used to carry out the purposes and requirements of this Ordinance.
- (3) Injunctive Relief
 - a) Whenever the Orange County Health Department, the Orange County Inspections Division 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 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 or 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 5. 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.

An Ordinance Prohibiting the Keeping of Wild Animals Dangerous to Persons and Property Within Unincorporated Areas of Orange County adopted April 5, 1983, is, by unanimous vote of the members of the Board of Commissioners, on first reading, amended as rewritten above this 14th day of August, 2001.