

STOKES COUNTY EXOTIC ANIMAL ORDINANCE

SECTION 1. LEGAL AUTHORITY AND INTENT

This Ordinance is adopted pursuant to the authority contained in North Carolina General Statutes 153A-121 and 153A-131. It is the intent of Stokes County to protect the public against health and safety risks that exotic animals pose to the community and to protect the welfare of the individual animals held in private possession. By their very nature, exotic animals are wild and potentially dangerous and do not adjust well to a captive environment.

SECTION 2. DEFINITIONS

- A. "Exotic Animal" means any living member of the kingdom Animalia, including those born or raised in captivity, except the following, to which this Ordinance does not apply:
1. The species *Homo sapiens* (humans);
 2. The species *Canis familiaris* (domestic dogs, excluding hybrids with wolves, coyotes, or jackals);
 3. The species *Felis catus* (domestic cats, excluding hybrids with ocelots or margays);
 4. The species *Equus caballus* (domestic horses);
 5. The species *Equus asinus* (asses, donkeys);
 6. The following members of the sub-family Bovine: the species *Bos Taurus* (cattle), the genus *Bison* (American Buffalo), and the genus *Bubalus* (water buffalo);
 7. The species *Ovis ammon aries* (sheep);
 8. The species *Capra hircus* (goats);
 9. The subspecies *Sus scrofa domestica* (swine);
 10. Domesticated races of the species *Gallus gallus* or *Meleagris gallapavo* (poultry);
 11. Domesticated races of the species *Mesocricetus auratus* (golden hamsters);
 12. Domesticated races of the subspecies *Cavia aperea procellus* (guinea pigs);
 13. Domesticated races of rats and mice (white or albino, trained, laboratory reared);
 14. Domesticated races of the species *Chinchillas laniger* (chinchillas);
 15. Domesticated races of the species *Oryctolagus cuniculus* (rabbits);
 16. Domesticated species of the family Camelid (including camels, llamas, and alpacas);
 17. All captive-bred members of the species of the families *Psittacidae* (parrots, parakeets), *Anatidae* (ducks), *Fringillidae* (finches), *Columbidae* (doves and pigeons), and *Ratite* (flightless birds, including ostriches, emus, and rheas);
 18. All captive-bred members of the species *Serinius canaria* of the class *Aves* (canaries);
 19. Domesticated races of the species *Carassius auratus* (goldfish);
 20. Captive-bred members of the superorder *Teleostei* of the class *Osteichthyes* (common freshwater and salt-water aquarium fish);
 21. Captive-bred, non-poisonous members of the suborder *Serpentes* (snakes);
 22. Captive-bred members of the suborder *Cryptodira* (turtles);
 23. All species of the class *Insecta* (insects) not considered life-threatening to humans, specifically including, but not limited to, *Apis mellifera* (common honeybee);
 24. All species of the class *Arachnida* (spiders, scorpions, and related) not considered life-threatening to humans; and,
 25. Any other animal reviewed by the Stokes County Board of County Commissioners to be exempted from this Ordinance.
 26. Hawks, eagles and owls, and other birds of prey.
- B. "Harbor" means to knowingly allow an Exotic Animal, as defined herein, to remain, lodge, be fed, shelter or take refuge within a home, yard, enclosure, outbuilding, abandoned vehicle, building, place of business, or any other premises.
- C. "Impoundment" means the placement of an animal in the custody of Stokes County Animal Control or the person or entity duly authorized by Ordinance of the board of county commissioners or by state law for such purpose.

- D. "Stokes County Animal Control" means the Stokes County Animal Control Department and all designated Stokes County Animal Control Officers of Stokes County.

SECTION 3. POSSESSION OF EXOTIC ANIMALS PROHIBITED

- A. Except in accordance with Section 5 (Exemptions) of this Section, it shall be unlawful for any person or entity to possess, harbor or have under their control any of the following Exotic Animals in Stokes County:
1. Family Canidae, other than *Canis familiaris* (domestic dogs);
 2. Family Felidae, other than *Felis catus* (domestic cats);
 3. Family Ursidae (bears, including hybrids);
 4. Family Mustelidae (wolverines);
 5. Family Hyaenidae (hyenas);
 6. Order Primates (monkeys, apes, etc.);
 7. Order Proboscidae, Family Elephantidae (elephants);
 8. Order Perissodactyla, Family Rhinocerotidae (rhinoceroses);
 9. Order Artiodactyla, Family Suidae (warhogs) and Family Hippopotamidae (hippopotamuses);
 10. Order Crocodylia (crocodiles, alligators, and caimans);
 11. Venomous reptiles, including all members of the following families:
 - a. Helodermidae (gila monsters and Mexican beaded lizards);
 - b. Viperidae vipers;
 - c. Crotalidae (pit vipers);
 - d. Hydrophilidae (sea snakes);
 - e. Elapidae (cobras, coral snakes, and related); and
 - f. Any rear-fanged snakes of the family Colubridae that are known to be life-threatening to humans, including but not limited to the following:
 - i. *Dispholidus typus* (boomslang);
 - ii. *Thebtonis kirtlandii* (twig snake); and
 - iii. *Rhabdophis* (keelbacks).
 12. Any constricting snake greater than four (4) feet in length or 20 pounds in weight;
 13. Any species of the class Insecta (insects) considered life-threatening to humans in general;
 14. Any species of the class Arachnida (spiders, scorpions, and related) considered life-threatening to humans in general;
 15. Any species of the genera *Catoprion*, *Pygocentrus*, *Pygopristis*, *Rooseveltiella*, *Serrasalmus*, *Serrasalmo*, and *Taddyyella* of the superorder Teleostei of the class Osteichthyes (piranhas); and
 16. Any other Exotic Animal that may be a danger to the health, safety and general welfare of the residents of Stokes County and any other persons present in the County.

SECTION 4. PENALTIES

- A. For the protection of the public, failure to comply with the provisions of this Ordinance shall be grounds for immediate seizure and impoundment of any Exotic Animal(s) by Stokes County Animal Control without the necessity of a written order or a court order.
- B. Criminal penalties. If any person or entity shall violate this Ordinance or any provision thereof, they shall be guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500.00). Each day of violation of any provision of this Ordinance shall constitute a separate offense. The payment of a fine imposed in criminal proceedings pursuant to this subsection does not relieve the person of liability for any taxes, fees, costs, or penalties otherwise imposed under this Ordinance.
- C. Civil penalties. In addition to all other penalties prescribed by law and seizure of the Exotic Animal(s), any person or entity who violates any provision of this Ordinance shall be subject to a civil penalty of \$1,000 per Exotic Animal and an additional \$250 per day for each day the Exotic Animal is in the custody of Stokes County plus any additional costs incurred by Stokes County in the seizure of the Exotic Animal(s).
- D. Citations. Stokes County Animal Control is authorized to issue written citations to violators of this Ordinance. The penalty must be paid within seventy-two (72) hours after the person has been cited for violation of this Ordinance. The citation may be delivered in person to the violator; or, if the violator cannot be readily found, the citation may be mailed to the violator by first-class or certified mail. No Impounded animal may be

redeemed from the county animal shelter until all incurred penalties have been paid in full; and until arrangements have been made for the safe transportation of the animal outside of Stokes County.

- E. Enforcement. Stokes County Animal Control and/or any law enforcement agency having jurisdiction where an exotic animal is found shall have authority to enforce this Ordinance.

SECTION 5. EXEMPTIONS

- A. Provided that each Exotic Animal, as defined by this Ordinance, is maintained in a secure enclosure constructed and maintained to prevent the Exotic Animal's escape and compliant with the requirements of N.C. Gen. Stat. § 14-417, § 14-417.1, and § 14-417.2, and the further requirements set forth herein, the prohibitions of this Ordinance shall not apply to:
1. Federal or State licensed wildlife rehabilitators engaged in the rehabilitation of sick, injured, or orphaned native wildlife to the extent permitted by their license; provided that said wildlife is housed on a parcel or tract of land containing not less than one hundred acres, and all structures, boundary fences, perimeter fences and animal enclosures are located five hundred (500) feet or more from the property line; and provided further that the rehabilitator maintains liability insurance with a minimum of \$1,000,000 per claim to compensate any person for personal injury or property damage caused by the wildlife; and provided further that the rehabilitator has first obtained a Permit in accordance with Section 7 of this Ordinance. Possession of wildlife not native to Stokes County is strictly prohibited.
 2. Lawfully operated non-resident carnivals, circuses, and travelling fairs for no longer than seven consecutive days, and a maximum of two times per calendar year; provided that the owner and/or operator maintains liability insurance with a minimum of \$1,000,000 per claim to compensate any person for personal injury or property damage caused by the Exotic Animal; and provided further that the owner and/or operator has first obtained from the Stokes County Animal Control Department a Permit certifying that the Exotic Animals are held, maintained and exhibited in compliance with this Section.
 3. Veterinary clinics operated by a veterinarian licensed by the North Carolina Veterinary Medical Board in possession of Exotic Animals for treatment or rehabilitation purposes.
 4. Persons temporarily transporting Exotic Animals non-stop through Stokes County on state maintained highways, provided that such time in Stokes County shall not exceed twelve (12) hours; and provided further that the transporter maintains liability insurance with a minimum of \$1,000,000 per claim to compensate any person for personal injury or property damage caused by transportation of the Exotic Animals.
 5. Properly licensed and established zoos provided said zoo is established or exists on a parcel or tract of land containing not less than one hundred acres; and provided further the structures, boundary fences, perimeter fences and animal enclosures are located five hundred (500) feet or more from the property line; and provided further that the zoo maintains liability insurance with a minimum of \$1,000,000 per claim to compensate any person for personal injury or property damage caused by the Exotic Animal(s); and provided further that the zoo has first obtained a Permit in accordance with Section 7 of this Ordinance.
 6. No references or restrictions in this Ordinance shall apply to Exotic Animals under the exclusive custody and control of the North Carolina Zoological Park.

SECTION 6. IMPOUNDMENT AND DISPOSITION OF ANIMALS

- A. Any Exotic Animal which is kept by any person or entity in violation of this Ordinance may be immediately seized without notice and impounded by Stokes County Animal Control without the necessity of a written order or a court order, for the protection of the public or the health of the Exotic Animal.
- B. If the Exotic Animal cannot be seized and impounded safely by Stokes County Animal Control OR if proper and safe housing cannot be found for the animal, Stokes County Animal Control may immediately destroy the Exotic Animal.

- C. The owner of an impounded Exotic Animal may reclaim the Exotic Animal if the person or entity provides proof of ownership and satisfies Stokes County Animal Control that a safe and prompt transfer of the Exotic Animal to an appropriate location outside of the county has been arranged; and provided further that all monetary fines, penalty and costs imposed under this Ordinance have been paid in full.
- D. If the owner of an impounded Exotic Animal cannot be located or if an impounded Exotic Animal remains unclaimed, in the discretion of the head of Stokes County Animal Control or his or her designee, Stokes County Animal Control may euthanize the animal, turn the Exotic Animal over to the North Carolina Museum of Natural Science or to the North Carolina Zoological Park, allow it to be lawfully adopted by a zoo, or return it to an appropriate wilderness.

SECTION 7. PERMIT PROCESS

- A. This permit process shall apply to Section 5A.(1) and (5) of this Ordinance.
- B. Payment of the nonrefundable annual permit fee of \$1,000.00 shall constitute the beginning of the permit process. Any other cost incurred during this permit process shall be the responsibility of the owner or possessor of the Exotic Animal.
- C. Applicants beginning the permit/registration process for an Exotic Animal shall be given a list of restrictions that must be in place before a permit will be issued.
- D. Restrictions for the issuance of a permit for an Exotic Animal shall include, but not be limited to the following:
 - 1. Proof of liability insurance coverage with a minimum of \$1,000,000 per claim to compensate any person for personal injury or property damage caused by the Exotic Animal, or in lieu of insurance, a surety bond posted with the county manager in the same amount, conditioned upon payment of such damages.
 - 2. At the direction of Stokes County Animal Control, installation of permanent signage at all points of entry to the property in question to identify the presence of the Exotic Animal to any law enforcement or emergency personnel having valid reason to enter the property.
 - 3. Required signage shall consist of a minimum size of three (3) square feet and shall at a minimum identify the following in reflective letters of a contrasting color as to be easily read on the background of the sign:
 - i. The word "Warning" in all capitals at least four (4) inches high;
 - ii. The common name of the Exotic Animal;
 - iii. The location on the property of the Exotic Animal; and
 - iv. The potential danger posed by the Exotic Animal (biting, clawing, venom, constriction, kicking, etc.)
 - 4. When possible, implantation by a county-approved veterinarian of a microchip under the skin of the Exotic Animal to aid in identification, or approval by a county-approved veterinarian of a previously implanted microchip. Obtaining from a county-approved veterinarian a health certificate detailing the health and condition of the Exotic Animal.
 - 5. Written emergency response plan, approved by Stokes County Animal Control, in the event of any escape of the Exotic Animal, including a paragraph detailing owner or possessor's understanding and agreement that if the escaped Exotic Animal poses any immediate danger whatsoever to life, limb, or property (other than property of the Exotic Animal owner), then it may be destroyed at that time by law enforcement officers, emergency responders, or any citizen having the means to do so. This emergency response plan shall be signed by the owner.
 - 6. All Exotic Animals shall be housed in facilities designed with the characteristics and potential dangers of the particular Exotic Animal in mind, and shall comply with the provisions of N.C. Gen. Stat. § 14-417, § 14-417.1, and § 14-417.2.

E. Issuance of a permit

1. When the Exotic Animal owner or possessor has completed the list of requirements, but no later than 90 days from the beginning of the permit process, the owner shall contact and arrange for an initial inspection by Stokes County Animal Control, which shall not unreasonably delay this initial inspection.
2. When Stokes County Animal Control has conducted its initial inspection and found the list of requirements to have been completed in a satisfactory manner, it shall issue the permit to the owner or possessor of the Exotic Animal.
3. For all persons or entities claiming exemption to this Ordinance through Section 5A.(1) above, the term of each permit shall be six (6) months. This shall be renewable only upon proof of evaluation of the Exotic Animal(s) in the last ten (10) days by a licensed North Carolina veterinarian who determines that the Exotic Animal(s) require additional rehabilitation. Continuing renewal after one year shall also require payment of the annual fee of \$1,000.00.
4. For all persons or entities claiming exemption to this Ordinance through Section 5A.(5) above, the initial term of this permit shall be twelve (12) months. This permit shall be renewable every twelve (12) months for either the life of the Exotic Animal or the length of its residency in Stokes County, whichever is lessor, upon payment of an annual permit renewal fee and satisfactory completion of a follow-up inspection by Stokes County Animal Control of the facility housing the Exotic Animal.
5. This permit shall be presented for renewal prior to the expiration of the current term; otherwise, the permit is considered expired.
6. Any owner or possessor of an Exotic Animal with an expired permit for that Exotic Animal shall be in violation of this Ordinance, and the owner or possessor shall be subject to the penalties listed in Section 4 of this Ordinance.

- F. A permit holder shall correct within seven (7) calendar days any defects that may arise in connection with that permit or face the penalties of Section 4.

SECTION 8. COSTS

- A. In the event any investigation of an Exotic Animal facility (other than the inspection associated with the renewal of a permit in Section 6) is required or requested, and the complaint is substantiated by Stokes County Animal Control, then the reasonable cost of the investigation shall be assessed against the owner or possessor of the Exotic Animal.
- B. If at any time it becomes necessary to impound or destroy an Exotic Animal pursuant to this Ordinance, then the cost of such impoundment or destruction shall be assessed against the owner or possessor of the Exotic Animal.

SECTION 9. BREEDING/REPRODUCTION

- A. Breeding or allowing the reproduction of prohibited Exotic Animals listed in Section 3.A of this Ordinance is specifically prohibited.
- B. Any owner or possessor of an Exotic Animal found to be in violation of the above paragraph shall be in violation of this Ordinance, and the owner or possessor shall be subject to immediate seizure of the Exotic Animal and the imposition of a fine for each Exotic Animal of \$1,000 plus \$250 per day or each day the Exotic Animal is in the custody of Stokes County, plus any additional costs to the county that may arise in connection with seizure of the Exotic Animal.

SECTION 10. JUDICIAL ENFORCEMENT

The provisions of this Ordinance may be enforced in the District Court of Stokes County.

SECTION 11. SEVERABILITY

If any provision of this Ordinance or the application thereof to any person or circumstance is held 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 this Ordinance are declared severable.

SECTION 12. EFFECTIVE DATE OF ORDINANCE

This Ordinance amends, revises and replaces the existing Stokes County Exotic Animal Control Ordinance that was adopted on April 26, 2004; and shall take effect on the 8th day of February, 2016.

Any person in violation of the Ordinance on its effective date shall have five (5) calendar days within which to come into compliance, or safely remove the exotic animal(s) from Stokes County. Removal from Stokes County shall be conducted under the supervision of Stokes County Animal Control and in accordance with procedures approved by Stokes County Animal Control to insure the safety of the general public. The foregoing notwithstanding, in the event any exotic animal poses an imminent threat or danger to the general public, Stokes County Animal Control, or any law enforcement officer having jurisdiction, shall immediately seize and impound the exotic animal in accordance with Section 6 of this Ordinance.


J. Leon Inman, CHAIRMAN
STOKES COUNTY BOARD OF COMMISSIONERS

ATTEST:


Darlene Bullins
CLERK TO THE BOARD