

**ORDINANCE NO #2022-395**

**AN ORDINANCE TO ENACT REGULATIONS OF DANGEROUS WILD ANIMALS WITHIN THE CITY.**

**BE IT ORDINANED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA that:**

**Section 1.** Section 12-3004 of the Raleigh City Code is hereby amended by inserting the following new definitions into the section in the proper alphabetical order:

**“*Dangerous wild animal.*** Any non-domesticated animal, which is normally found in the wild state, is inherently dangerous to person or property, and which generally does not live in or about the habitation of humans, including but not limited to lions, tigers, leopards, cougars, jaguars, cheetahs, wolves, non-human primates, *medically significant venomous snakes*, crocodilians, and any hybrid or crossbreed of such animals. Where the City is preempted by Federal or State law from exercising its power to regulate dangerous wild animals as herein defined, this definition shall not apply for purposes of enforcement of this Chapter.”

**“*Medically significant venomous snake.*** A medically significant venomous snake means a venomous or poisonous species whose venom or toxin can cause death or serious illness or injury in humans that may require emergency room care or immediate care of a physician.”

**Section 2.** Part 12, Chapter 3, is hereby amended by adding a new article, ARTICLE F, to follow immediately after Section 12-3074, and to read as follows:

“ARTICLE F. – DANGEROUS WILD ANIMALS.

Sec. 12-3075. – PROHIBITION OF DANGEROUS WILD ANIMALS

- (a) *Prohibited generally:* It shall be unlawful for any person to harbor, possess, keep, maintain, release, transport or have under their control within the City any dangerous wild animal.
- (b) *Exemptions:* The provisions in this Section shall not apply to the following: AZA-accredited zoos; scientific research laboratories; veterinarians harboring such animals for purposes of providing professional medical treatment; educational or scientific institutions (public and private) in the course of their educational or scientific work; and, wildlife rehabilitators or others with proper State or Federal licenses or permits or wildlife agents in the course of the work for which they are approved by the Wildlife Resources Commission. These exemptions apply only if the animals are maintained in a manner that complies with other applicable State and Federal regulations.

- (c) *Impoundment:* Any dangerous wild animal which is harbored, possessed, kept, maintained, released, transported, or controlled by any person in violation of this Section shall be taken and impounded by the Animal Control Unit of the Police Department for the protection of the animal, the public or both.
- (d) *Penalties and Reimbursement:* Any person who violates this Section shall be subject to a civil penalty of \$500.00 per animal, as well as reimbursement to the City for all costs incurred while impounding, attempting to recapture, shelter, or euthanize in the event of an escaped dangerous wild animal. Each day of a continuing violation shall constitute a separate offense. Violation of this section is a misdemeanor and may also be enforced through issuance of a civil penalty pursuant to section 14-1005, through injunctive or other equitable relief, or a combination of remedies.”

**Section 3.** “Section 12-3076. – GRANDFATHERING CLAUSE ON OWNERSHIP OF DANGEROUS WILD ANIMALS

A person in legal possession of a dangerous wild animal prior to September 3, 2022, and who is the legal possessor of the animal may keep possession of the animal for the remainder of the animal's life. The person must maintain veterinary records, acquisition papers for the animal, if available, or other documents or records that establish that the person possessed the animal prior to September 3, 2022, and present the paperwork to an animal control or law enforcement authority upon request. The person shall have the burden of proving that he or she possessed the animal prior to September 3, 2022. Any animals subject to this Section *shall* be registered pursuant to the requirements of Section 12-3077.”

**Section 4.** “Section 12-3077 – REGISTRATION REQUIREMENTS

(a) *Registration required.* A person in legal possession of a dangerous wild animal prior to September 3, 2022, as defined in Section 12-3076, *shall* register said animal with the Animal Control Unit of the Police Department. This requirement does not apply to entities that are listed as exempt under Section 12-3075(b).

(b) *Registration Form and Requirements.* The City shall create a registration form with reasonable fee provisions that shall be approved by the City Manager. A person in legal possession of a dangerous wild animal prior to September 3, 2022, shall complete and file a registration form and pay a reasonable fee. The information on the form must include:

- (1) name of the person in legal possession of the animal (owner);
- (2) address and phone number;
- (3) type of animal;
- (4) certification that owner is abiding by all local, State, and Federal laws;

- (5) proof that owner is at least 18 years of age;
  - (6) a criminal background check to certify that the owner does not have any felony charges or convictions related to the abuse or neglect of animals;
  - (7) a detailed inventory of animals that includes a description and photograph of each animal to be registered;
  - (8) documentation of health records;
  - (9) proof of ownership, such as a bill of sale;
  - (10) for possession of medically significant venomous snakes, certification that the owner does not possess more than ten such snakes;
  - (11) proof of liability insurance; and,
  - (12) certification that owner shall immediately report the escape of any dangerous wild animal in its possession.
- (c) Any person who violates this Section shall be subject to a civil penalty of \$500.00 per animal. Each day of a continuing violation shall constitute a separate offense. Violation of any provisions and the requirements of this section is a misdemeanor and may also be enforced through issuance of a civil penalty pursuant to section 14-1005, through injunctive or other equitable relief, or a combination of remedies.”

**Section 5.** All laws and clauses of laws in conflict herewith are hereby repealed to the extent of said conflict.

**Section 6.** If 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 separate effect and to this end the provisions of this ordinance are declared to be severable.

**Section 7.** The provisions of this ordinance shall not affect any act heretofore done, any liability incurred, any right accrued or vested, or any suit or prosecution begun or cause of action accrued prior to the effective date of this ordinance, except as set forth in Section 9 of this ordinance.

**Section 8.** This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code. All criminal sanctions shall be the maximum allowed by G.S. 14-4(a) or similar limitations.

**Section 9.** Sections 12-3075 and 12-3076 of this ordinance shall become effective sixty (60) days following their adoption. Section 12-3077 shall become effective on July 1, 2023.

**ADOPTED:** July 5, 2022

**EFFECTIVE:** September 3, 2022: Sections 12-3004, 12-3075;

July 1, 2023: Section 12-3077