

**AN ORDINANCE TO AMEND THE CITY OF RALEIGH'S ANIMAL CONTROL REGULATIONS AND ENACT REGULATIONS PROHIBITING THE POSSESSION OR HARBORING OF WILD OR EXOTIC ANIMALS AND PROHIBITING THE FEEDING OF WILD OR EXOTIC 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 definitions for “domesticated animal” and “Pet shop” are hereby modified to read as follows:

“Domesticated animal. An animal that is accustomed to living in or about the habitation of human beings, including but not limited to cats, cows, dogs, fowl, horses, rabbits, domesticated birds or any other domesticated animal that is not inherently dangerous to persons or property.”

“Pet shop. This term shall mean a person or establishment that acquires for the purposes of resale animals bred by others whether as owner, agent, or on consignment, and that sells or offers to sell or trade such animals to the general public at retail or wholesale.”

**Section 2.** Section 12-3004 of the Raleigh City Code is hereby amended by deleting the definitions for the following: “Cattery” “Holding facility.”

**Section 3.** 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:

“Impoundment. This term shall mean possession or seizure of an animal by the animal control unit of the Police Department, or its designee, to enforce the provisions of this chapter.

“Wild or exotic animal. Any non-domesticated animal, which is normally found in the wild state, is particularly dangerous to persons or property, or which generally does not live in or about the habitation of humans, including, but not limited to deer, wolves, coyotes, non-human primates, monkeys, apes, lions, tigers, reptiles (venomous, crushing, and giant), alligators, crocodilians, raccoons, opossums, skunks, squirrels, ducks, geese, crows, gulls, and any hybrid or crossbreed of such animals.”

**Section 4.** Section 12-3035 of the Raleigh City Code (PET SHOP STANDARDS) is hereby amended by deleting Section 12-3035 in its entirety.

**Section 5.** Section 12-3036 of the Raleigh City Code (KENNEL STANDARDS) is hereby amended by deleting Section 12-3036 in its entirety.

**Section 6.** Section 12-3038 of the Raleigh City Code (STANDARDS FOR CATTERIES) is hereby amended by deleting Section 12-3038 in its entirety.

**Section 7.** Section 12-3039 of the Raleigh City Code (GENERAL HEALTH CONDITIONS IN HOLDING FACILITIES) is hereby amended by deleting Section 12-3039 in its entirety.

**Section 8.** Section 12-3040 of the Raleigh City Code (PET SHOPS LICENSE; REQUIRED) is hereby amended by deleting Section 12-3040 in its entirety.

**Section 9.** Section 12-3041 of the Raleigh City Code (APPLICATION) is hereby amended by deleting Section 12-3041 in its entirety.

**Section 10.** Section 12-3042 of the Raleigh City Code (FEE; SEPARATE LICENSE FOR EACH FACILITY OPERATED) is hereby amended by deleting Section 12-3042 in its entirety.

**Section 11.** Section 12-3043 of the Raleigh City Code (KENNEL LICENSE; REQUIRED; EXEMPTION) is hereby amended by deleting Section 12-3043 in its entirety.

**Section 12.** Section 12-3044 of the Raleigh City Code (APPLICATION) is hereby amended by deleting Section 12-3044 in its entirety.

**Section 13.** Section 12-3045 of the Raleigh City Code (FEE) is hereby amended by deleting Section 12-3045 in its entirety.

**Section 14.** Section 12-3046 of the Raleigh City Code (ATTACK AND SECURITY DOG TRAINER'S LICENSE; REQUIRED) is hereby amended by deleting Section 12-3046 in its entirety.

**Section 15.** Section 12-3047 of the Raleigh City Code (APPLICATION) is hereby amended by deleting Section 12-3047 in its entirety.

**Section 16.** Section 12-3048 of the Raleigh City Code (FEE) is hereby amended by deleting Section 12-3048 in its entirety.

**Section 17.** Section 12-3049 of the Raleigh City Code (CATTERIES LICENSE; REQUIRED) is hereby amended by deleting Section 12-3049 in its entirety.

**Section 18.** Section 12-3050 of the Raleigh City Code (APPLICATION) is hereby amended by deleting Section 12-3050 in its entirety.

**Section 19.** Section 12-3051 of the Raleigh City Code (FEE) is hereby amended by deleting Section 12-3051 in its entirety.

**Section 20.** Section 12-3069 of the Raleigh City Code (FINES AND PENALTIES) is hereby amended by deleting subparagraph (c).

**Section 21.** Section 12-3071 of the Raleigh City Code (REFUSAL TO ISSUE LICENSE WHEN APPLICANT IN VIOLATION OF LAW) is hereby amended by deleting Section 12-3071 in its entirety.

**Section 22.** Section 12-3072 of the Raleigh City Code (REVOCATION OF HOLDING FACILITY LICENSES) is hereby amended by deleting Section 12-3072 in its entirety.

**Section 23.** Section 12-3073 of the Raleigh City Code (NOTICE OF AN APPEALS FROM DECISION OF AGENCIES) is hereby amended by deleting Section 12-3073 in its entirety.

**Section 24.** Section 12-3074 of the Raleigh City Code (UNAUTHORIZED USE OF LICENSE RECEIPTS OR INOCULATIONS CERTIFICATES) is hereby modified to read as follows:

“Section 12-3074. UNAUTHORIZED USE OF INOCULATION CERTIFICATES

It shall be unlawful for any person to use for any dog a rabies inoculation certificate issued to another person, dog, cat, or facility.”

**Section 25.** Part 12, Chapter 3, is hereby amended by adding a new article, ARTICLE F, to follow immediately after Section 12-3074, as modified (see above), and to read as follows:

**“ARTICLE F. – WILD OR EXOTIC ANIMALS.**

**Sec. 12-3075. – FEEDING OF WILD OR EXOTIC ANIMALS PROHIBITED**

(a) It shall be unlawful for any person, purposely or intentionally, to feed any wild or exotic animal, cause wild or exotic animals to be fed or to provide food to wild or exotic animals within the corporate limits of the City. This prohibition includes, but is not limited to, disbursement of food on the ground, at a feeding station, in a feeding device, or in a container of any form. This Section shall not apply to:

i. baiting or feeding feral cats as part of a trap-neuter-release or return program; or

ii. the feeding of birds (songbirds or other backyard birds), providing the bird feeders are at least five (5) feet about the ground.

(b) It shall be unlawful for any person to purposely or intentionally leave or store any refuse, garbage, food product, pet food, forage product or supplement, salt, seed or birdseed, fruit, grain in a manner that would constitute an attractant to any wild or exotic animal.

(c) It shall be unlawful for any person to fail to take remedial action to avoid contact or conflict with wild or exotic animals, which may include the securing or removal of outdoor trash, cooking grills, pet food, bird feeders or any other similar food source or attractant after being advised by the City to undertake such remedial action. Failure to take remedial action after the initial notification will be a violation of this subsection and shall be enforced pursuant to subsection (d) of this Section.

(d) Penalties: Any person who violates this Section shall be subject to a civil penalty of one hundred dollars \$100.00. Each day that a violation of this Section occurs or continues shall be considered a separate offense.

#### **Sec. 12-3076 – POSSESSION OR HARBORING OF WILD OR EXOTIC ANIMALS PROHIBITED**

(a) Prohibited generally: It shall be unlawful for any person to harbor, possess, keep, maintain, or have under his control within the City any wild or exotic animal.

(b) Exemptions: The provisions in this Section shall not apply to the following: lawfully operated and located pet shops; zoos; scientific research laboratories; circuses; 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; wildlife agents in the course of the work for which they are approved by the Wildlife Resources Commission; or persons, corporations, institutions licensed or regulated by the U.S. Department of Agriculture. These exemptions apply only if the animals are maintained in a manner that complies with other applicable state and federal regulations and which prevents the animals' escape.

(c) Impoundment: Any exotic or wild animal which is harbored, kept, or possessed by any person in violation of this Section may 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 wild or exotic animal. Each day of a continuing violation shall constitute a separate offense. A violation of this Section is also a misdemeanor and may

also be enforced through injunctive or other equitable relief, or a combination of remedies.”

**Section 26.** All laws and clauses of laws in conflict herewith are hereby repealed to the extent of said conflict.

**Section 27.** 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 28.** 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 30 of this ordinance.

**Section 29.** 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 law notwithstanding the fifty-dollar limit in G.S. 14-4(a) or similar limitations.

**Section 30.** This ordinance shall become effective immediately following its adoption. Except that any person who prior to the effective date of this ordinance possessed, kept or maintained within the City any wild or exotic animal shall have 90 days to comply with the provisions in Section 25 of this ordinance.