



BOARD OF COMMISSIONERS
JAMIE LINEBERGER, CHAIR
BUD CESENA, VICE-CHAIR
TRENT CARPENTER
MARK MULLEN
ALEX PATTON

COUNTY MANAGER
DAVIN W. MADDEN

COUNTY ATTORNEY
MEGAN H. GILBERT

CLERK TO THE BOARD
JENNIFER M. FARMER

**AN ORDINANCE AMENDING CHAPTER 92 OF THE
LINCOLN COUNTY CODE OF ORDINANCES**

WHEREAS, Lincoln County has established and adopted the Lincoln County Code of Ordinances pursuant to N.C.G.S. §153A-49; and

WHEREAS, pursuant to N.C.G.S. §153A-127, a County may by ordinance define and prohibit the abuse of animals; and

WHEREAS, pursuant to N.C.G.S. §153A-131, a county may regulate, restrict, or prohibit the possession or harboring of animals which are dangerous to persons or property; and

WHEREAS, Chapter 92 of the Lincoln County Code of Ordinances was created to establish an organized enforcement mechanism for the protection of public health and safety, to help prevent animal nuisances and to promote animal welfare; and

WHEREAS, Chapter 92 of the Lincoln County Code of Ordinances needs to be amended to meet the requirements of North Carolina law and to allow for Lincoln County Animal Services to better and more effectively enforce its rules and regulations; and

WHEREAS, the amendment to the Lincoln County Code of Ordinances set forth in this ordinance is policy neutral.

NOW, THEREFORE, BE IT ORDAINED that:

Section 1. Section 92.12 of the Lincoln County Code of Ordinances is deleted in its entirety and replaced with the following:

EXOTIC ANIMALS ORDINANCE

§ 92.12.1. TITLE.

This subchapter of the Lincoln County Animal Ordinance shall be considered the Lincoln County Exotic Animals Ordinance.

§ 92.12.2. PURPOSE AND STATUTORY AUTHORITY.

The purpose of the Lincoln County Exotic Animals Ordinance is to protect the general public from the inherent risk posed by dangerous exotic animals. These risks included, but are not limited to, public health risks associated with the spread of disease and safety risks of the general public that

may arise from the allowance of inherently dangerous animals for private ownership. Pursuant to N.C.G.S. §153A-121, the County is authorized to regulate, restrict or prohibit the possession or harboring of animals which are dangerous to persons or property.

§ 92.12.3. DEFINITIONS.

For the purposes of this Lincoln County Exotic Animals Ordinance, the following terms, words and their derivations shall have the meaning as defined herein, unless the context clearly indicates that another meaning is intended.

CROCODILIAN means any species of the Order Crocodylia, such as crocodiles, alligators, caimans, and gavials.

EXOTIC ANIMAL means any (1) Crocodylian, (2) Inherently Dangerous Arachnid, (3) Inherently Dangerous Exotic Mammal, (4) Large Constricting Snake, (5) Venomous Reptile, (6) animal that would ordinarily be confined to a zoo, or (7) any mammal designated by the Centers for Disease Control (CDC), the Department of Agriculture or any other national or state public health protection agencies as embargoed and prohibited. *EXOTIC ANIMAL* shall not include any animal that is specifically excluded in § 92.12.4 of this Ordinance.

INHERENTLY DANGEROUS ARACHNID means all members of Class Arachnida which, due to their inherent nature, may be considered dangerous to humans, including only arachnids in:

- (A) Order Araneae (only spiders which are venomous and their venom is considered medically significant, and not including tarantulas); and
- (B) Order Scorpionida (all scorpions which are venomous and their venom is considered medically significant)

INHERENTLY DANGEROUS EXOTIC MAMMAL means any member of the Canidae, Felidae, Ursidae, or Elephantidae families or any member of the order primates, excluding humans, including hybrids thereof, which, due to their inherent nature, may be considered dangerous to humans, are exotic animals, and include, but are not limited to, any or all of the following orders and families, whether bred in the wild or in captivity, and any or all hybrids thereof (all animals listed in parenthesis are intended as examples and shall not be construed as an exhaustive list or limit the generality of each group of animals *unless* otherwise specified):

- (A) Order Artiodactyla (such as hippopotami and giraffes);
- (B) Order Carnivora, which includes:
 - i. Family Felidae (such as lions, tigers, panthers, leopards, jaguars, ocelots, and servals);
 - ii. Family Canidae (such as such as wolves and jackals);
 - iii. Family Ursidae (all bears);
 - iv. Family Mustelidae (such as weasels, martins and minks);
 - v. Family Procyonidae (such as coatis);
 - vi. Family Hyaenidae (all hyenas); and
 - vii. Family Viverridae (such as civets, genets and mongooses)
- (C) Order Edentatia (such as anteaters, armadillos, and sloths);
- (D) Order Marsupialia (such as kangaroos and wallabies);
- (E) Order Perissodactyla (such as rhinoceroses and tapirs, but not horses, donkeys, or mules);
- (F) Order Primates (such as lemurs, monkeys, chimpanzees, baboons, gorillas, and all other non-human primates);
- (G) Order Proboscidae (all elephants); and
- (H) Order Rodentia (including capybara).

LARGE CONSTRICTING SNAKE means Reticulated Python, *Python reticulatus*; Burmese Python, *Python molurus*; African Rock Python, *Python sebae*; Amethystine Python, *Morelia amethystina*; and Green Anaconda, *Eunectes murinus*; or any of their subspecies or hybrids.

VENOMOUS REPTILE means all members of the class Reptilia including their taxonomic successors, subspecies, or any hybrid thereof, regardless of surgical alteration, determined to have the potential to cause serious human injury due to the toxic effects of its venom or poison, and includes all venomous reptiles of the class Reptilia belonging to the families:

- (A) Family Elapidae (all species, including but not limited to coral snakes, cobras and mambas);
- (B) Family Crotalidae (all species, including but not limited to pit vipers);
- (C) Family Viperidae (all species, including but not limited to cottonmouths);
- (D) Family Hydrophiidae (all species, including but not limited to sea snakes);
- (E) Family Colubridae, but only those belonging to the following:
 - i. The genus *Rhabdophis* (including but not limited to keelback snakes);
 - ii. The genus *Balanophis* (including but not limited to Sri Lanka blossom krait);
 - iii. The genus *Macropisthodon*;
 - iv. The genus *Boiga* (including but not limited to cat-eyed snakes);
 - v. The genus *Dispholidus* (including but not limited to boomslang);
 - vi. The genus *Thelotornis* (including but not limited to twig snake); and
 - vii. The genus *Thrasops*
- (F) Atractaspidae (all species, including but not limited to mole vipers); and
- (G) Family Natricidae (only keelback snakes)

OWNER: This term shall have the same meaning as set forth in §92.03 of this Ordinance. For the purposes of this Exotic Animals Ordinance, Owner shall also include one who allows an exotic animal to remain in, be lodged, fed, given shelter or refuge within the Owner's home, store, yard, enclosure, accessory structure, abandoned vehicle or building, place of business or any other premises in which the person or entity resides has control of.

§ 92.12.4. EXEMPTIONS AND ADDITIONAL REQUIREMENTS.

- (A) This Prohibition set forth in § 92.12.5 of this Ordinance shall not apply to:
 - (1) Veterinary clinics in possession of any Inherently Dangerous Exotic Animal for the treatment or rehabilitation of the animal;
 - (2) Any institution operated under licensure and regulation of the U.S. Department of Agriculture (USDA);
 - (3) Any institution accredited by the American Zoo and Aquarium Association (AZA) or Zoological Association of America (ZAA);
 - (4) Any animal control authority or law enforcement officers acting under the authority of this Ordinance;
 - (5) Persons temporarily transporting any Inherently Dangerous Exotic Animal(s) through Lincoln County, providing that such transport shall not be longer than 24 hours, and the animal(s) is at all times maintained within a confinement sufficient to prevent its escape;
 - (6) Any licensed or accredited research medical institution or education institution; and
 - (7) Any person owning or harboring an animal that is indigenous to North Carolina or Lincoln County and said animals are regulated and subject to the requirements for captivity permits under the rules of the North Carolina Wildlife Resources Commission as contained in 15A N.C.A.C. 10H, or any successor rules and regulations thereto.
 - (8) Any person owning or harboring an animal that is regulated as a restricted species and subject to the requirements for restricted species permits under the rules of the North Carolina Wildlife Resources Commission as contained in 15A NCAC 10B and 15A

NCAC 10C, or any successor rules and regulations thereto.

- (9) Any person owning or harboring an Inherently Dangerous Exotic Animal that is eligible for permitting under §92.12.5 of this Ordinance.

(B) Exempted Animals. The following animals shall not be considered an Inherently Dangerous Exotic Animal for the purpose of this Ordinance and shall be excluded from the definition set forth in § 92.12.3 of this Ordinance. Any animals listed in parenthesis are not an exhaustive list and shall serve as only examples.

- (1) The species *Homo sapiens* (humans);
- (2) All domestic dogs, but not hybrids with wolves, coyotes, or jackals;
- (3) All domestic cats, but not 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 scrota 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 *Serinus 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-venomous or 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;
- (25) Domesticated races of the family *Mustelidae* (ferrets); and
- (26) Domesticated races of the family *Marsupialia* (sugar gliders); and
- (27) Any other animal determined by Animal Services Director to be exempted from this Ordinance. The Director may not exempt an animal from this Ordinance that is specifically prohibited within the terms of this Ordinance. Any animal exempted hereunder shall also be approved by the County Manager.

(C) Reporting and Annual Permit Required. Any animal that is permitted to be present in Lincoln County under subsections (A)(1) through (A)(8) of this Section shall still be required to:

- (1) **Annual Exempt Permit.** Any owner or possessor of an Exotic Animal that is owning or possessing within Lincoln County, for more than 48 hours, shall be required to obtain an Exempt Permit from Lincoln County Animal Services. To

obtain and renew an Exempt Permit, the owner or possessor shall provide the following information:

- i. Name, address and telephone number of the Owner(s);
 - ii. The identifying information for each animal that is located on the owner or possessor's property for which the permit is being issued for shall include:
 - a) Type of Animal (scientific and common name)
 - b) Age of Animal
 - c) Sex of Animal
 - d) A picture of each animal being permitted
 - iii. Name and telephone number for Veterinarian of animal(s), and a letter from said Veterinarian addressing if the animal is in good health and is suitable or eligible for vaccinations;
 - iv. Property address for where the animal(s) will be housed;
- (2) A written contingency plan which provides:
- i. The responsible party for taking ownership of the animal(s) in the case that the owner or possessor dies or becomes incapable of caring for the animal(s), and contact information for that individual;
 - ii. Detailed plan of evacuation during a natural disaster; and
 - iii. Detailed plan of transport procedures within or outside the boundaries of Lincoln County.
 - iv. Detailed plan for the capture of the Grandfathered Animal(s) in the case of an escape. This plan must include the immediate notification of Lincoln County Animal Services, and Lincoln County 911. This plan shall also include assurances that all necessary equipment intended to be used is available.
- (3) A copy of any license or allowance provided by the USDA, AZA, or N.C. Wildlife Resources Commission for the Exotic Animal which allows for the animals' exemption under subsection (A).

(D) Additional Insurance Requirement. Any ownership that is exempted under Subsection (A) of this Section which allows for the public to enter on to their property for viewing of Exotic Animals shall obtain insurance for the property upon where the Exotic Animals are located and/or viewed in the amount of \$1,000,000, with Lincoln County named as an additional insured. Proof of said insurance shall be provided to Lincoln County Animal Services annually, or upon renewal.

§ 92.12.5. UNLAWFUL POSSESSION.

Except as otherwise permitted in this Ordinance, it shall be unlawful for a person to import into, possess, keep, purchase, have custody or control of, reproduce or sell within Lincoln County, by any means, an Exotic Animal unless otherwise permitted herein. A violation of this section shall be considered a Class 3 Misdemeanor and subject to civil penalties in an amount of \$500.00 per Exotic Animal for each violation. Each day that the Exotic Animal remains in Lincoln County shall be considered an additional offense.

§ 92.12.6. PRE-EXISTING EXOTIC ANIMALS.

Any Exotic Animal that is owned or harbored in Lincoln County on the 1st day of October 2025 and has a current permit issued by Lincoln County Animal Services pursuant to the previous version of §92.12 of this Ordinance shall be entitled to remain in Lincoln County subject to the following:

- (A) Permitting for Pre-Existing Exotic Animals. An individual owning or possessing a Pre-Existing Exotic Animal (referred to herein as a "Grandfathered Animal") shall be required to submit within 30 days of the adoption of this Ordinance, an Application for *Grandfathered Permit*

from Lincoln County Animal Services.

(B) Application for Grandfathered Permit. The Application for a *Grandfathered Permit* shall be provided by Lincoln County Animal Services and shall contain, at a minimum, the following information and additional requirements:

- (1) Name, address and telephone number of the Owner(s);
- (2) The identifying information for each Grandfathered Animal that is located on the Owner's property for which the permit is being issued for shall include:
 - i. Type of Animal (scientific and common name)
 - ii. Age of Animal
 - iii. Sex of Animal
 - iv. A picture of each animal being permitted
- (3) Name and telephone number for Veterinarian of the Grandfathered Animal(s), and a letter from said Veterinarian addressing if the Grandfathered Animal is in good health and is suitable/eligible for vaccinations;
- (4) Property address for where the Grandfathered Animal(s) will be housed, if not at the primary residence of the Owner;
- (5) A written contingency plan which provides:
 - i. The responsible party for taking ownership of the Grandfathered Animal(s) in the case that the Owner dies or becomes incapable of caring for the animal(s), and contact information for that individual;
 - ii. Detailed plan of evacuation during a natural disaster; and
 - iii. Detailed plan of transport procedures within or outside the boundaries of Lincoln County.
 - iv. Detailed plan for the capture of the Grandfathered Animal(s) in the case of an escape. This plan must include the immediate notification of Lincoln County Animal Services, and Lincoln County 911. This plan shall also include assurances that all necessary equipment intended to be used is available.
- (6) Additional Requirements for Crocodylian, Large Constricting Snake and Venomous Reptiles.** In addition to the requirements set forth herein, any Owner of a Crocodylian, Large Constricting Snake and Venomous Reptiles must provide:
 - i. A copy of the written safety protocol and escape recovery plan as required by Article 55 of Chapter 14 of the North Carolina General Statutes.
 - ii. Certification of Compliance with State Law. Each Owner shall be required to attest under penalty of perjury that they are in compliance with, and will remain in compliance with, Article 55 of Chapter 14 of the North Carolina General Statutes.
- (7) Inspection Prior to Issuance.** Prior to the issuance of a Permit hereunder, the Animal Services Director shall inspect the premises to confirm that, to the best of their knowledge, all containments are sufficient to properly contain the Grandfathered Animal and prevent escape, that all requirements under Article 55 of Chapter 14 of the North Carolina General Statutes are met.

(C) Issuance of Permit. Following receipt of a complete application and certification as required hereunder, payment of the related fee, and a successful inspection by Animal Services, the Animal Services Director shall issue a permit under this Section, unless grounds for denial exist, as follows:

- (1) Permit for Inherently Dangerous Exotic Mammals and Crocodylians.** A permit issued to the Owner of an Inherently Dangerous Exotic Mammal or Crocodylian shall be specific to each animal and shall not be issued based on the number of animals within their possession. Any future renewal shall be limited to the specific mammal or crocodylian.

- (2) **Permit for Large Constricting Snake, Venomous Reptiles, or Inherently Dangerous Arachnids.** A permit issued to the Owner of a Large Constricting Snake, Venomous Reptiles or Arachnids shall be issued to the Owner based on the number of animals in their possession at the time of issuance. This shall be the number permitted to remain under any future renewal.
- (D) Annual Renewal. Any permit issued hereunder shall be issued for a term of one (1) year. Within thirty (30) days of the renewal date, the Owner may apply for the renewal of the permit which shall contain the same information, and all also include information of any change in Grandfathered Animal(s), including death of said animal.
- (E) Initial and Annual Renewal Fee. The fee required to be paid for the allowance of any Grandfathered Animal hereunder shall be adopted in the Lincoln County Fee Schedule. The Animal Services Director shall not have the authority to waive or decrease the fee without express written consent of the County Manager.
- (F) Denial or Revocation of Permit. The Animal Services Director shall have the authority to deny or revoke a permit issued hereunder for the following reasons:
- (1) Any disregard or direct violation of this Ordinance;
 - (2) The Owner has failed to pay fees and penalties required hereunder;
 - (3) The Owner has failed to maintain permitting required hereunder and/or has failed to maintain a federal or state license to own, possess, or harbor the Grandfathered Animal;
 - (4) The Owner has failed to have the Grandfathered Animal current on vaccines (if applicable);
 - (5) The Owner has substantially misrepresented or made false statements to Lincoln County Animal Services in connection with keeping, owning, harboring, or possessing the animal(s);
 - (6) The Owner has failed or refused to allow Lincoln County Animal Services to inspect the enclosure or confinement facility during any scheduled or non-scheduled visit;
 - (7) The Owner has failed or refused to confine or restrain the animal(s) permitted; or
 - (8) The Owner has failed or refused to give Animal Services immediate notice of the escape of the animal(s) permitted.
 - (9) **Automatic Revocation Upon Death.** Upon the death of an Inherently Dangerous Exotic Mammal or Crocodilian, the Permit shall be automatically revoked in regard to that specific Grandfathered Animal unless said Permit is based on the number of animals, and not a specific animal.
- (G) Death of Grandfathered Inherently Dangerous Exotic Mammal or Crocodilian. Upon the death of a Crocodilian or Inherently Exotic Dangerous Mammal, the Owner shall not be permitted or eligible to obtain a new Crocodilian or Inherently Dangerous Exotic Mammal as a replacement. The Owner shall notify Lincoln County Animal Services immediately of the death of said animal.
- (H) Additional Animals; Breeding Prohibited. The Owner of any Grandfathered Animal permitted to remain in Lincoln County under the provisions of this Ordinance shall be prohibited from acquiring any additional Exotic Animals to be housed in Lincoln County subject to the terms of the permit limits set forth in subsection (C) of this section. If any Grandfathered Animal shall breed, then any animal born therefrom, that is outside the limits set forth in the permit, shall be

removed from Lincoln County within 30 days of the nationally recognized weening period of the specific type of animal.

- (I) Microchip of Grandfathered Animals. In addition to the permitting requirement under this Section, any Grandfathered Animal that is considered an *Inherently Dangerous Exotic Mammal* shall be required to be microchipped within 90 days of the issuance of a Grandfathered Permit. Failure to do so shall result in revocation of the permit.
- (J) Annual Inspections for Grandfathered Animals. On a yearly basis, Animal Services staff shall schedule visits and routine inspections of all properties that are permitted under this Section. Animal Services staff shall confirm that all requirements under Article 55 of Chapter 14 are met (if applicable), and all other requirements under this Ordinance have been met. Failure to meet those requirements shall result in the issuance of a citation and 10 days to resolve the deficiency. Failure to resolve within that timeframe may result in the revocation of said permit.
- (K) Quarterly Reporting Required. On a quarterly schedule, that shall be established by the Animal Services Director, the Owner shall provide a list of all Grandfathered Animals remaining in the possession of the Owner.

§ 92.12.7. ADDITIONAL PROHIBITIONS.

- (A) Unlawful Release. It shall be unlawful for the release or abandonment of an Exotic Animal within Lincoln County intentionally or for the purpose of meeting those requirements set forth in § 92.12.5 of this Ordinance.
- (B) Prohibited in Public. It shall be unlawful for any person or entity, even those exempted from the prohibition in under § 92.12.5 of this Ordinance, to carry or possess outside of the confines of the property permitted, any Exotic Animal. This shall include transporting or carrying any Exotic Animal on government owned property and privately owned property where the public is permitted to enter including, but not limited to shopping centers, restaurants, etc.
- (C) Exhibition Prohibited. It shall be unlawful for any person or entity, unless specifically permitted to do so by a federal or state issued permit, to operate as an exhibitor or to further allow the public on to the property where any Exotic Animal is located for viewing or interactions with said animals.
- (D) Penalty. Violation of any prohibition in (A) through (D) of this section shall be punishable as a Class 3 misdemeanor, and a person may be charged with a violation of more than one subsection herein. In addition to criminal enforcement of this section, any person found to be in violation of this section shall be subject to a civil penalty in the amount of \$500.00 for each subsection. Each day a violation continues shall be deemed a separate offense.

§ 92.12.8. IMPOUNDMENT AND/OR DISPOSITION OF INHERENTLY DANGEROUS EXOTIC ANIMALS.

The following provisions govern the impoundment and/or disposition of Exotic Animals within Lincoln County in contravention of this Ordinance:

- (A) Impoundment. The Animal Services Department may immediately take custody of an Exotic Animal if the Animal Control Department determines in its discretion that it has facilities sufficient to safely house the animal and that the impoundment can be undertaken without injury to persons or property. The Owner shall be liable for the costs of capture, placement, and

care for the Exotic Animal from the time the attempt to capture begins or impoundment occurs (whichever happens first) until the time the animal has been relocated to an approved facility as set forth hereunder, or has been returned to the owner/possessor (in the case of an exempt entity or person), or has been destroyed. Recovery of said costs may be in the form of civil penalties.

(1) **Bond or Deposit.** If an Exotic Animal is impounded as set forth herein, the Owner must, within seventy-two (72) hours of impoundment, post a bond or cash deposit with Lincoln County in an amount sufficient to guarantee payment of all reasonable expenses incurred and expected to be incurred in capturing, caring for, and providing shelter for the animal. Any bond shall be approved by the Finance Director, or their designee, prior to acceptance.

(i) Reasonable Expenses. Reasonable expenses shall include, but are not limited to, the estimated cost of feeding, medical care and boarding for a period of no less than thirty (30) days, plus the cost associated with the relocation of the animal as set forth hereunder.

(ii) Relocation. The Bond or Deposit shall not prevent Animal Services from relocating the animal at any time, provided that, upon such relocation the Animal Services Director shall recovery under the bond or deposit only the sums actually incurred in connection with the expenses.

(iii) Extension. Animal Services may, in its discretion, keep the animal under its impoundment for a period of not more than sixty (60) days if the possessor/owner has made a deposit or bond sufficient to cover said time frame.

(iv) Calculation of Bond or Deposit. In all cases, the amount of the bond or deposit shall be determined by Animal Services and shall be based on the current rate of feed, the estimated cost to provide medical care for, and to house the animal. In addition, it should also include an expected cost to relocate the animal and any costs incurred for capturing the animal, if applicable.

(2) **Compliance with Bond or Deposit.** If an Exotic Animal is impounded and the Owner *successfully* complies with the provision of a Bond or Deposit (as required herein) then the Director, or their designee, shall attempt to find proper and safe housing for said animal outside of Lincoln County through placement of the animal with an institution or location with the proper accreditation or licensure to accept the animal into their care.

(3) **Non-Compliance with Bond or Deposit.** If an Exotic Animal is impounded and the Owner *does not* comply with the provision of a Bond or Deposit (as required herein) then the Director, or their designee, may, in their discretion, attempt to find proper and safe housing for the animal outside of Lincoln County, but is not required to do so.

(4) **Exempted Ownership under § 92.12.4(A).** Any Owner that is exempted pursuant to §92.12.4(A) of this Ordinance shall not be required to place a Bond or Deposit as set forth in subsections (1) through (3) immediately above. However, any costs incurred by the County for the capture and/or impoundment of the animal shall be paid to Lincoln County prior to return of the animal, if all of the following criteria are met:

(i) The impounded animal escaped or was released from an exempt entity or person;

(ii) The animal can safely be impounded and returned to the exempt entity or person or can safely be recaptured by said entity or person; and

(iii) The exempt entity or person has taken reasonably sufficient steps to assure that the animal will not escape or be released in the County again; and

(iv) The animal has not previously escaped or been released in the County.

(B) Animal to Remain in Care of Possessor. If the Animal Services Director, or their designee, determines that the Exotic Animal cannot be captured and impounded by the Animal Services Department, the Director may authorize and direct the owner/possessor to retain the animal and

within a period of not more than thirty (30) days, relocate the animal to proper and safe housing located outside of Lincoln County with an institution or location with the proper accreditation or licensure to accept the animal into their care.

- (1) **Limited Applicability.** This provision shall only be available if the Exotic Animal has not caused injury to persons or property, and that the possessor/owner has facilities sufficient to safely house the animal in a way that prevents said animal from escape or causing any such injury during the period for when its being relocated.
- (2) **Non-Waiver of Penalties.** The decision of the Animal Services Director to allow for the owner/possessor to retain the animal shall not in any way constitute a waiver of any civil penalties associated with the violation of § 92.12.5, and said civil penalties shall continue to accrue daily until the animal is adequately relocated. In addition, this shall not waive the rights of the County for criminal enforcement any violation of this Ordinance.

(C) **Destruction of Exotic Animal.** Unless otherwise prohibited by the Federal Endangered Species Act or any other applicable federal or state law, the Director may immediately destroy an Exotic Animal in a humane manner if:

- (1) It is determined that the Exotic Animal cannot be taken into custody or impounded without injury to person or property; or
- (2) The Owner of the Exotic Animal fails to timely post the bond or cash deposit as required herein; or
- (3) Proper and safe housing cannot be found for the Exotic Animal as set forth herein;
- (4) The Inherently Exotic Animal has previously escaped or been released from an exempt entity or person within the last year and poses a risk to person or property.

Section 2. The Animal Services Director shall be required to notify the Lincoln County Sheriff's Office and the 911 Communications Center of all registered Exotic Animals registered, and those parties shall note the registration within in the CAD System.

Section 3. This shall be effective immediately upon its adoption.

Adopted this the __ day of January, 2026.

ATTEST:

Jennifer M. Farmer
Clerk to the Board

Jamie Lineberger, Chairman
Lincoln County Board of Commissioners