



## REQUEST FOR BOARD ACTION

ITEM NO. 1.

**DATE OF MEETING:** May 6, 2013

**REQUESTED BY:** Carson Smith, Sheriff

**SHORT TITLE:** Public Hearing and Resolution Amending the Pender County Animal Control Ordinance through the Addition of an Inherently Dangerous Wild Animal Section.

**BACKGROUND:** In July of 2012, the BOCC formed a temporary committee to recommend possible changes to the Animal Control Policy dealing with exotic animals. The committee members were as follows: Mickey Duvall, County Manager; Carson Smith, Sheriff; Carolyn Moser, Health Director; Keith Ramsey, Animal Control Supervisor; Howard Loughlin, Exotic Animal Owner; and one community representative from each County Commission district: Don Robinson, District 1; Randy Wells, District 2; Forrest Casha, District 3; Philip Rivenbark, District 4; and Jay Dixon, District 5. Planning Director Kyle Brewer, County Attorney Trey Thurman, and Deputy Clerk to the Board Glenda Pridgen all assisted with the work done by the Committee.

The Committee met four times and developed two possible paths. Option A would be a ban on dangerous animals to be defined by ordinance and Option B would be to allow ownership of dangerous animals with a detailed application process and heavy restrictions. The Committee wanted input from the Board for direction into which Option the Board preferred. In December the Board asked the committee to proceed with Option A. The Committee now comes before the Board with a proposed Inherently Dangerous Wild Animal addition to the Animal Control Ordinance. The new ordinance defines such animals and establishes that they will not be allowed to be possessed or harbored within the county except for a few exemptions.

**SPECIFIC ACTION REQUESTED:** To hold a public hearing and consider a resolution to amend the Pender County Animal Control Ordinance through the addition of an Inherently Dangerous Wild Animal section.

**COUNTY MANAGER'S RECOMMENDATION**

Respectfully recommend approval.



Initial

**RESOLUTION**

**NOW, THEREFORE BE IT RESOLVED** by the Pender County Board of Commissioners that:

the Pender County Ordinance (Section 3 – Animals) is hereby amended by the addition of the attached Inherently Dangerous Wild Animal section and associated definitions. The Chairman/ County Manager is authorized to execute any/all documents necessary to implement this resolution.

**AMENDMENTS:**

MOVED \_\_\_\_\_ SECONDED \_\_\_\_\_

APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ UNANIMOUS

YEA VOTES: Brown \_\_\_ McCoy \_\_\_ Tate \_\_\_ Ward \_\_\_ Williams \_\_\_

\_\_\_\_\_  
George R. Brown, Chairman      05/06/2013  
Date

\_\_\_\_\_  
ATTEST      05/06/2013  
Date

## Exotic Animal Committee Recommendations

- 1) Modify "Section 3-2 Definitions" of the Pender County Ordinance by adding the following definitions:

***Inherently Dangerous Wild Animals.*** The term applies to the following animals which are inherently dangerous to person or property and which include, but are not limited to: all felines, other than the domestic house cats (including, but not limited to lions, tigers and leopards), nonhuman primates, bears, wolves, reptiles (poisonous, or constricting and giant), and other non domesticated carnivores. Not included in this definition are: emus, llamas, ostriches, alpacas and pack animals (as defined in this chapter).

In order to properly administer the provisions of the Ordinance, the Board may add to or remove from the classification of inherently dangerous 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.

***Pack Animal.*** A working animal used by humans as means of transporting materials by attaching them so their weight bears on the animal's back. Pack animals include but are not limited to elephants, camels, yak, reindeer, goats, llama, and domesticated Equidae (horse family).

- 2) Add a new section to Chapter 3 of the Pender County Ordinance:

### **Sec. 3-\_\_\_ . Inherently Dangerous Wild Animals**

a) It shall be unlawful for any owner or other person to possess or harbor an inherently dangerous wild animal, as defined in this chapter, within the county.

b) Exemptions:

1) Zoos (as defined by NAICS 712130) shall be exempt from this section but must comply with other applicable Pender County Ordinances and Policies.

2) Circuses, fairs, and other Temporary Events (as defined in the Pender County UDO) that include the use of inherently dangerous wild animals shall be exempt from this section but must comply with other applicable Pender County Ordinances and Policies.

3) Any animal harbored within the county on or before the date this section is ratified shall be exempt from this section provided the owner registers the animal with Pender County Animal Control within ninety (90) days of the ratification date. This exemption shall end when the animal is permanently removed from Pender County or at the death of the animal. This exemption shall apply only to the animal registered and not to other animals the owner may acquire nor to any offspring of the registered animal unless the owner establishes that the registered animal (mammals only) was pregnant on the effective date of this section. The offspring which had been conceived as of said effective date shall also be exempt if it is registered within thirty days of birth.