

# CHEROKEE COUNTY ANIMAL CONTROL ORDINANCE

All prior ordinances regarding animal control in Cherokee County are by vacated as of the effective date of this ordinance by the Cherokee County Board of Commissioners.

It shall be the policy of this County to encourage enforcement of the Laws of the United States of America and the State of North Carolina regarding the possession of, transport of, care of and disposal of any and all animal life within the confines of the County of Cherokee by and through duly sworn law enforcement officers, and for prosecution of violations of such State and Federal laws and the ordinances herein through the Courts of appropriate jurisdiction.

Provisions of this Ordinance shall in no way, shape or form supersede any laws or Administrative Codes of the State of North Carolina or the United States of America.

Article 1- Violations of this Cherokee County Animal Control Ordinance shall be punished as a Class 3 misdemeanor under the criminal codes of the State of North Carolina.

Article 2- Enforcement of this Ordinance is authorized by any law enforcement officer duly sworn to enforce the laws of the State of North Carolina. Violations of this ordinance may also be enforced through the issuance of criminal process issued by a judge or magistrate under the laws of the State of North Carolina as authorized in Chapters 15 & 15A of the North Carolina General Statutes.

Article 3 – Possession of an Inherently Dangerous or Exotic Animal.

- A) Defined: An inherently dangerous or exotic animal is any beast, fowl or creeping thing that is likely to cause a reasonable person to be fearful of significant destruction of property or of bodily harm, including, but not limited to, the following that are not regulated by the State Wildlife Commission:
- a. Any indigenous or non-indigenous reptile that produces venom.
  - b. Any non-indigenous arachnid that produces venom.
  - c. Any constricting snake in excess of 6 feet in length.
  - d. Any non-human primates weighing in excess of 10 pounds.
  - e. Any member of the Canidae family, including hybrids thereof, other than *Canis familiaris*.
  - f. Any member of the Felidae family, including hybrids thereof, other than *Felis catus*.
  - g. Any crocodile, alligator or caiman.
  - h. Elephants, rhinoceros, hippopotamus, ocelots, cheetahs, giraffes.
  - i. Any dog that has been designated as a dangerous dog under the laws of the State of North Carolina.

- j. Any animals designated by the Centers for Disease Control and/or the US Department of Agriculture or other national or state public health protection agencies as embargoed or prohibited.
- B) Possession Prohibited – No person shall knowingly harbor, feed or otherwise possess and inherently dangerous or exotic animal as defined in Article 2(A) herein.
- C) Exceptions:
- a. Transportation of any such beast through the territory of Cherokee County so long as such takes no longer than 24 hours.
  - b. Possession for purposes of public display of inherently dangerous or exotic animals as defined herein in a duly authorized and licensed zoo, circus, carnival, fair or other such enterprise that are properly equipped to separate and confine the inherently dangerous or exotic animals. Any such public display shall be reported to the Sheriff of Cherokee County no less than 96 hours before any such animals are to enter the territory of Cherokee County.
  - c. Possession by the North Carolina Wildlife Resources Commission and its designates under the laws of the State of North Carolina.
  - d. Any possessor who is licensed by the US Department of Agriculture or the US Department of the Interior to possess such animals. Any possessor of such license shall produce said license upon demand by any law enforcement officer.
- D) Recapture: The lawful or unlawful possessor of any inherently dangerous or exotic animal as defined herein shall reimburse Cherokee County for any and all costs incurred while attempting to recapture any such animal. Any lawful or unlawful possessor of an inherently dangerous or exotic animal that must be euthanized or destroyed by any agent of law enforcement or designated of Cherokee County shall reimburse Cherokee County for the costs of such euthanization or destruction. By bringing any such animal into Cherokee County, the possessor gives consent for any disputes regarding such animals to be in the Jurisdiction of the General Courts of Justice of North Carolina and specifically within the venue of Cherokee County.

Article 4 – Each section of this Ordinance remains separate and apart from other provisions of this ordinance. Invalidation of any section of this ordinance shall not invalidate other provisions herein. This Ordinance is subject to State and Federal law.

The effective date of this Ordinance shall be the 3rd day of May, 2020.

  
\_\_\_\_\_  
Dr. Dan Eichenbaum, Chairman

  
\_\_\_\_\_  
Maria Hass, Clerk to Board