

Review: Asheville's ordinance concerning the regulation and treatment of animals is found in Chapter 3 of the City Code. Generally, in terms of provisions which relate to wild or exotic animals, the keeping of wild animals within the city limits is prohibited (with the aforementioned exceptions) but exotic pets may be kept if a permit has been issued by the animal control administrator.

Section 3-4 of the animal ordinance, defines "**Wild animals**", as "*any animal which can normally be found in the wild state, particularly those feral, dangerous or non-domesticated animals which generally do not live in or about the habitation of humans, including, but not limited to, bears, deer, lions, monkeys, raccoons, skunks, squirrels, turkeys, tigers, venomous snakes and wolf hybrids.*" The City animal ordinance also defines, "**Exotic pet**" as "*any animal that is not classified as domesticated, livestock or a wild animal. This definition does not include feral animals.*"

These definitions are the same, or very similar to, those in several other municipalities in North Carolina, including Charlotte, Chapel Hill, and Guilford County, as well as similar to the definition of "dangerous wild animal" found in proposed House Bill 554-An Act to Protect the Public from Dangerous Wild Animals- currently under consideration in this 2015 Legislative Session, which includes almost all of the same categories of wild animals defined in our ordinance with the exception of venomous snakes.

Unless otherwise directed by the Public Safety Commission or City Council, a change in these definitions is not considered necessary or recommended at this time. Additionally, unless otherwise directed, a change in the ordinance allowing exotic pets with a permit is not considered necessary or recommended at this time.

There are two sections of the animal ordinance for which revisions are recommended in order to make it consistent with new U.S. Cellular booking policy and the intent of the Governance Committee in regard to the keeping or performance of wild or exotic animals.

First, Section 3-12 of the ordinance currently reads as follows:

Sec. 3-12. - Animal care.

(h) It shall be unlawful for any person to sponsor, promote, or train a wild or domesticated animal to participate in any unnatural behavior in which the animal is wrestled, fought, harassed or displayed in such a way that the animal is abused or harmed. **This section shall in no way apply to zoological parks, animal exhibitions or circuses.**

It is recommended that the hi-lighted portion of this provision is deleted in its entirety, as there should be no exemption for any organization or entity which allow the abuse or harm of an animal.

The revised provision would read as follows:

(h) It shall be unlawful for any person to sponsor, promote, or train a wild or domesticated animal to participate in any unnatural behavior in which the animal is wrestled, fought, harassed or displayed in such a way that the animal is abused or harmed. ~~This section shall in no way apply to zoological parks, animal exhibitions or circuses.~~

Secondly, Section 3-14 of the ordinance currently reads as follows:

Sec. 3-14. - Wild animals.

No person shall keep or permit to be kept on his/her premises a wild animal. ~~This section shall not apply to zoological parks, animal exhibitions or circuses nor apply to the possession, exhibition or handling of reptiles by employees or agents of duly constituted museums, laboratories, educational or scientific institutions in the course of their educational or scientific work.~~

It is recommended that this provision be revised to pertain to both persons and entities within the city limits, to delete the exemption for allowing wild animals in animal exhibitions or circuses and to modify the exemption as it relates to zoological parks to apply only to zoological parks that are accredited by the Association of Zoos and Aquariums (“AZA”) (this recommendation was made in consultation with Nature Center Director, Chris Gentile. The AZA is a highly regarded national organization which has an Accreditation Commission consisting of experts who are leaders in their fields and have many years of experience and education in zoo and aquarium operations, animal management, and veterinary medicine. Once accredited, each zoo or aquarium must go through the entire accreditation process every five years to maintain this status. The City’s Nature Center is AZA accredited, one of only 6 such organizations in the State of North Carolina, the others are the NC Zoo, the Greensboro Science Center and the three NC Aquariums). No change is currently recommended to the part of the provision related to reptiles. Additionally, the City may want to consider the addition of an exception for wild animals that are used for bona fide medical, scientific or educational purposes. The Town of Chapel Hill has such an exception specifically pertaining to the University of North Carolina and the City of Charlotte has a more general exception for these purposes.

The proposed revision to this Section would read as follows:

Sec. 3-14. - Wild animals.

No person or entity shall keep or permit to be kept on his/her/its premises a wild animal within the City limits. This section shall not apply to zoological parks as accredited by the Association of Aquariums and Zoos (“AZA”), ~~animal exhibitions or circuses~~ nor apply to the possession, exhibition or handling of reptiles by employees or agents of duly constituted museums, laboratories, educational or scientific institutions in the course of their educational

or scientific work. [Additionally, this section shall not apply to any animal used for bona fide medical, scientific or educational purposes.](#)

Pros: The proposed ordinance revisions will ensure consistency between the U.S. Cellular Center's new booking policy and the City's animal ordinance and prevent a situation in which circuses or other events involving wild or exotic animal performances are prohibited at the U.S. Cellular Center but allowed at other locations within the City limits, consistent with the intent of the Governance Committee decision.

Cons: Though no change to the definition of "wild animal" is being proposed, the revisions to these other sections of the animal ordinance may raise awareness of the existing regulation and may lead to some enforcement action against individuals who may not have realized they were keeping a prohibited "wild animal", for example, a wolf-hybrid or venomous snake.

Fiscal Impact: None known.

Recommendation: Revise City's current animal ordinance provisions Sec. 3-12 and Sec. 3-14 as described above to remove exemptions for circuses and animal exhibitions related to wild animals and to make other clarifying revisions as described.

Attachment:
(1) Revised Ordinance