

ORDINANCE NO. 2021-0824-30

AN ORDINANCE AMENDING SECTION 4-3 “PROHIBITION OF CERTAIN ANIMALS” OF THE TOWN OF APEX CODE OF ORDINANCES

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Apex as follows:

Section 1. That Section 4-3 of the Town of Apex Code of Ordinances is hereby amended as shown immediately below with deletions being shown by struck-through text and additions shown by underlined text:

Sec. 4-3. - Prohibition of certain animals.

(a) *Livestock and male chickens.* The keeping of livestock or male chickens is prohibited within the corporate limits of the town. Livestock includes, but is not limited to, cows, goats, sheep, swine and other similar animals.

(b) *[Exemptions.]* The following animals are exempt from this section:

(1) Horses;

(2) Ponies;

(3) Rabbits; and

(4) Fowl except male chickens.

(5) Miniature pigs—provided that no more than two are kept per dwelling, that all pigs over the age of eight weeks are neutered, that they be no more than 20 inches in height at the shoulders when full grown, and that they are kept within the dwelling house of the owner or possessor unless outside in a fenced area for exercise or controlled by a leash in the same manner as required for dogs.

(c) *Exotic or Venomous Animals.* It shall be unlawful for any person to keep, breed, sell, maintain, possess or have under that person’s control any exotic animal, or any venomous animal that is non-native to North Carolina, within the Town’s corporate limits. Exotic animal is defined as any dangerous animal which is not usually and customarily kept as a pet or domestic animal and includes, but is not limited to, lions, tigers, wild cats, bears, wolves, monkeys, apes, gorillas, alligators, crocodiles, or any animal for which a federal or state permit or license is required to own or possess.

(d) Exceptions. Subsection (c) of this section shall not apply to lawfully operated and located pet shops, scientific research laboratories, licensed zoological establishments, veterinarians temporarily harboring the animals for the purposes of providing professional medical treatment, properly permitted wildlife rehabilitators, and exhibitors licensed by the United States Department of Agriculture displaying the animals for educational purposes, provided the animals are housed in a manner so as to prevent escape.

(Ord. No. 2007-0403-05, § 1, 4-3-07; Ord. No. 2007-0515-07, § 1, 5-15-07; Ord. No. 2018-0417-18, § 1, 4-17-2018)

Section 2. The Town Clerk and/or Town Manager are hereby authorized to renumber, revise formatting, correct typographic errors, to verify and correct cross references, indexes and diagrams as necessary to codify, publish, and/or accomplish the provisions of this Ordinance or future amendments as long as doing so does not alter the terms of this Ordinance.

Section 3. **Severability, Conflict of Laws.** If this Ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 4. **Effective Date.** This Ordinance shall go into effect January 1, 2022.

Introduced by Council Member _____

Seconded by Council Member _____

Attest:

TOWN OF APEX, NORTH CAROLINA

Donna B. Hosch, MMC, NCCMC
Town Clerk

Jacques K. Gilbert
Mayor

Approved As To Form:

Laurie L. Hohe
Town Attorney