

## **ARTICLE III. ~~WILD OR EXOTIC ANIMALS~~\* **INHERENTLY DANGEROUS ANIMALS****

### DIVISION 1. GENERALLY

#### **Sec. 4-131. Purpose of article.**

(a) The board of commissioners is concerned for the safety and welfare of all of the citizens of the county as well as the safety and welfare of ~~wild~~ animals, and desires to enact an ordinance regulating the keeping of ~~wild~~ animals dangerous to persons and property in the county pursuant to G.S. 153A-121 et seq.

(b) For the reasons specified in subsection (a) of this section, the board of commissioners ordains the provisions of this article.

\*Cross reference—Environment, oh. 10. State law reference—Possession or harboring dangerous animals, G.S. 153A-131.

#### **Sec. 4-132. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Director** means the director of the county health department or sheriff.

**Owner** means any person who keeps, has charge of, shelters, feeds, harbors or takes care of any ~~wild~~ **inherently dangerous** animal in the county.

**Permittee** means any person who has been granted a permit to keep, shelter, feed, harbor or take care of any ~~wild~~ animal in the county.

**Primary enclosure** means any metal building, wire cage, padlock, pen or similar enclosure designed and used for the purpose of restraining and confining any ~~wild~~ animal, the keeping of which is regulated by this article. All such enclosures shall be constructed and maintained according to the standards set out in ~~division 2~~ of this article.

**Secondary enclosure** means any enclosure not used for the primary confinement, exercise or training of ~~wild~~ animals. Each person keeping any ~~wild~~ animal shall construct and maintain continuously a secondary enclosure encompassing the complex of primary enclosures where such animals are kept, this secondary enclosure encompassing the complex of primary enclosures where such animals are kept. This secondary enclosure will be constructed and maintained according to the standards specified in ~~division 2~~ of this article.

**Wild animals dangerous to persons and property** and **wild animals** mean all felines (other than the domestic house cat), nonhuman primates, bears, wolves, coyotes, reptiles (poisonous, crushing and giant), and any crossbreed of such animals which have similar characteristics of these animals. In order to properly administer the provisions of this article, the board may add to or remove from the classification of ~~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 in this article 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.

Cross references—Definitions generally, § 1-2; definitions generally, § 1-2.

**Inherently Dangerous Animal** means any of the following animals, or hybrid thereof, which, due to their inherent nature, may be considered dangerous to humans.

(1) Class Mammalia:

- a. Order Artiodactyla (such as hippopotamuses, giraffes, and camels, but not cattle, swine, sheep, goats, llamas, or alpacas);

- b. Order Carnivora:
  - (i) Family Felidae (such as lions, tigers, panthers, leopards, jaguars, ocelots, and servals, but not domestic cats);
  - (ii) Family Canidae (such as wolves and jackals, but not domestic dogs);
  - (iii) Family Ursidae (all bears);
  - (iv) Family Mustelidae (such as weasels, martins, and minks, but not ferrets);
  - (v) Family Procyonidae (such as coatis);
  - (vi) Family Hyaenidae (all hyenas);
  - (vii) Family Viverridae (such as civets, genets, and mongooses);
- c. Order Edentalia (such as anteaters, armadillos, and sloths);
- d. Order Marsupialia (such as kangaroos and wallabies, but not sugar gliders);
- 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 Proboscidea (all elephants);
- h. Order Rodentia (but not guinea pigs, rats, mice, gerbils, hamsters, prairie dogs, or chinchillas);

(2) Class Reptilia:

- a. Order Squamata:
  - (i) Family Varanidae (only water monitors and crocodile monitors);
  - (ii) Family Iguanidae (only rock iguanas);
  - (iii) Family Boidae (only those whose actual length exceeds eight (8) feet);
  - (iv) Family Colubridae (only boomslangs and African twig snakes);
  - (v) Family Elapidae (such as coral snakes, cobras, mambas, etc.) - all species;
  - (vi) Family Natricidae (only keelback snakes);
  - (vii) Family Viperidae (such as cottonmouths, etc.) - all species;
  - (viii) Family Helodermidae (such as gila monsters and Mexican beaded lizards);
  - (ix) Family Crotalidae (pit vipers);
  - (x) Family Atractaspididae (burrowing asps);
  - (xi) Family Hydrophilidae (sea snakes);
- b. Order Crocodylia (such as crocodiles, alligators, caimans, gavials, etc.) - all species.

(3) Class Arachnida:

- a. Order Araneae (only spiders which are venomous and which are not indigenous to Edgemont County, but excluding tarantulas);
- b. Order Scorpionida (all scorpions).

**Sec. 4-133. ~~Primary and secondary enclosure required.~~ Possession of Inherently Dangerous Animals Prohibited**

~~No person shall keep, shelter, feed, harbor or take care of any wild animal within the county unless all such animals shall be confined continuously within secure and locked primary and secondary enclosures. Each enclosure shall be constructed to standards specified for keeping each type of animal as identified in division 2 of this article.~~ It shall be unlawful for any person or entity to keep, shelter, or harbor an inherently dangerous animal in the county. Exceptions include: lawfully operated pet shops, zoological parks or exhibitors licensed by the United States Department of Agriculture, scientific research laboratories, circuses, carnivals, or veterinarians, provided that the animals are maintained in quarters so constructed and maintained as to prevent escape; and persons temporarily transporting such animals through the county so long as transit time is not more than 24 hours.

**Sec. 4-134. Permit Registration.**

~~(a) Required.~~ Permits shall only be issued for animals physically located in the county and registered. It shall be unlawful for any person to possess or harbor in the county a wild animal without first applying for and obtaining a permit from the director. Further, it shall be unlawful for any person to trade, breed,

~~sell or barter any wild animal unless exempted by the provisions contained in section 4-135. No permit shall be required for the transportation of wild animals through the county from a point of origin outside the county to a point outside the county.~~ **Any person who lawfully possess an inherently dangerous animal in accordance with Sec. 4-133 must register with the Animal Services office.**

*(b) Requirements.*

- (1) ~~As a condition precedent to the possession or harboring of any wild animal, the prospective owner or permittee shall have on the premises where such animal is kept sufficient equipment and/or chemicals necessary to tranquilize or kill any animal for which the owner or permittee has a permit to keep.~~
- (2) ~~As a further condition, the prospective owner or permittee must present evidence of training and experience in the care and handling of wild animals.~~
- (1) To register, ~~Prospective owners or permittees must submit an application for the permit~~ **registration form for each inherently dangerous animal**, which shall contain the following information:
- a. Name and address of the applicant;
  - b. If a corporation, the state under which incorporated, the date of incorporation, the address of the principal office, and the names and addresses of its officers;
  - c. If any other type of organization, its name, the location of its office, and the names and addresses of the principal officers, directors, trustees, or managing officials or partners;
  - d. Statement of the owner's purpose in keeping the animal;
  - e. The place of origin (city or county and state) of the animals or classes of animals, including the method of acquisition (gift, purchase, etc.);
  - f. A description of each animal (size, weight, distinctive markings, etc.), including species and a photograph of each animal taken within seven days of the date the application is submitted.
  - g. List of previous incidents involving animals to be registered, including escapes, injury to persons or property, etc.;
  - h. The address of the premises where the animals will be kept;
  - i. A description of the method, materials and square footage of facilities for confinement of the animals;
  - j. Proof of the ~~applicant's~~ **owner's** ability to respond in damages for bodily injury to or death of any person or for damage to property owned by any other person that may result from the ownership, keeping or maintenance of such animal, which shall be given by filing with the director a certificate of insurance from an insurance company authorized to do business in the state stating that the applicant is, at the time of application, insured by a policy of \$100,000.00 combined single limit liability for bodily injury and property damage, and which will provide that no cancellation of the insurance will be made unless ten days' written notice is first given to the director;
  - k. Copies of all state and federal permits and licenses required for such animals;
  - l. ~~A schedule of the personnel who will service and maintain this facility~~ The name and contact information of the inspector of either the US Department of Agriculture or NC Wildlife Commission;
  - m. ~~Keeper's training and experience with animals, especially wild animals, particularly the species in the application~~ The name and contact information of the treating veterinarian; ~~and/or~~
  - n. A list of tranquilizing equipment, chemicals and instruments of destruction as required by this division.
- (4) ~~Only one permit shall be required for each location at which wild animals are to be kept.~~

*(c) Investigation by director.*

- (1) ~~Each application for permit or amendment shall be filed with the director who shall inspect all locations for the keeping of any wild animal for cleanliness and safe possession of the animal.~~

- ~~(2) Prior to the granting of a permit or amendment, the applicant shall be required to present to the director, for his inspection, a state wildlife resources permit if the keeping of such animal in this state requires any such permit.~~
- ~~(3) Such permit or amendment shall be issued by the director after satisfactory completion of the application, proof of insurance, and evidence satisfactory to the director that the applicant will confine any wild animal in facilities that meet the standards contained in division 2 of this article.~~
- ~~(4) Such permit or amendment will not be issued by the director when he finds one or more of the following:~~
- ~~a. Intentional misstatements or misleading statements of fact in the application.~~
  - ~~b. When the animal cannot or will not be kept or maintained without menacing the safety of any person or property.~~
  - ~~c. When the animal is not, will not be, or cannot be maintained in a humane manner.~~
- ~~(5) Each applicant shall be notified by certified mail of the issuance or denial of a permit or permit amendment by the director.~~
- ~~(6) If the director does not issue a permit or amendment, the reasons for his not doing so shall be stated in writing and shall accompany the notice of denial.~~
- ~~(7) An applicant may request a hearing before the director by written request within five days after receipt of notice of denial of a permit or permit amendment. The director shall render a decision, including findings of fact based on the evidence presented at such hearing. If the director denies the permit after the hearing, the permittee shall be entitled to a hearing before the board by requesting a hearing in writing within five days of receipt of notice of denial.~~

~~(d) Permit revocation procedures.~~

- ~~(1) The director may revoke a permit if he finds violation of any section of this article.~~
- ~~(2) The director will revoke a permit when he finds one or more of the following:~~
- ~~a. Intentional misstatements or misleading statements of fact in the application not discovered until after the issuance of the permit;~~
  - ~~b. Any wild animal has been found off the premises approved for confinement of the animal without written permission of the director unless the permittee demonstrates that the animal's enclosure was adequately secured by a padlock or other securing device approved by the director and that such event was not the result of the permittee's fault or negligence;~~
  - ~~c. An animal cannot or will not be kept or maintained without endangering the safety of any person or property; or~~
  - ~~d. When the animal is not, will not be or cannot be maintained in a humane manner.~~
- ~~(3) If the director revokes the permit, the permittee shall be entitled to a hearing before the board by requesting a hearing in writing within five days of receipt of notice of revocation. The decision of the board after hearing and the board's reasons shall be sent by certified mail or hand delivered to the permittee and shall constitute a final administrative decision.~~

~~(e) Transfer of permit. The permit shall not be transferable with respect to person and locations.~~

**Sec. 4-135. Wild animals at large. (Section Removed)**

~~(a) It shall be unlawful for any wild animal to be off the premises approved for confinement of the animal or off the premises where it is kept and maintained without written permission of the director. It shall be the duty of the permittee or the person who keeps and maintains the animal to care for the animal at all times and maintain confinement as provided in the enclosure standards continued in division 2 of this article. When any wild animal is found off the premises approved for confinement or off the premises where it is kept and maintained without written permission of the director, the permittee or keeper may be charged with a criminal act. If convicted of a violation of this subsection, the court may order the animal to be euthanized or the permittee or keeper subjected to penalties as provided in section 4-137 or both euthanization and such penalties.~~

~~(b) It shall be the duty of any permittee or keeper of a wild animal to immediately report to the sheriff's department when the animal is discovered missing.~~

~~(c) Any person who possesses a wild animal in the county in violation of the provisions of this article shall be liable for the expenses incurred by the county and any law enforcement agency or other federal, state or local agency aiding in the search for, containment of, return of, or disposal of the animal when it is at large.~~

#### **Sec. 4-136. Enforcement. Penalties**

~~(a) Inspections. The county animal control officer and the state wildlife resources commission shall make inspections of the enclosure in this article as follows:~~

~~(1) Approval of plans. Prior to the construction of any enclosure specified by this article, such plans shall be submitted and approved by the inspections division. Such plans shall include a site plan, showing the location of the enclosures on the property in relation to existing dwellings and adjacent properties. Construction drawings of the enclosures shall be provided that illustrate construction materials and the dimensions of the enclosures in compliance with specifications for animal enclosures. Provisions for animal waste disposal and potable water shall be specified submitted to the health department for approval.~~

~~(2) Initial inspection. An initial inspection of the enclosure specified in this article shall be made to determine that the enclosure conforms to the design and location specified in this article.~~

~~(3) Follow up inspection. The county animal control officer and the state wildlife resources commission shall inspect the enclosure specified in this article at least once during the period January 1 through June 30 and once during any such six month period in which the initial inspection was made unless deemed necessary by the director.~~

~~(b) Permit and inspection; fee. Every person possessing or harboring a wild animal, whose premises are inspected by the county animal control officer and the state wildlife resources commission shall pay the county an annual fee per site for permitting and inspections as set by the board.~~

~~(c) Investigations. The county animal control officer and the state wildlife resources commission shall investigate any complaints that a wild animal is possessed or harbored in the county in violation of this article to determine whether or not a violation has occurred.~~

~~(d) Penalties.~~

~~(1) Criminal offenses. A violation of any provision of this article constitutes a misdemeanor and shall be punishable as provided in G.S. 14-4. Each day's continuing violation shall constitute a separate offense.~~

~~(2) Civil penalty. A person who violates any of the provisions of this article shall be subject to a civil penalty of \$50.00 per animal. No penalty shall be assessed until the person alleged to be in violation has been notified of the existence and nature of the violation by certified letter. Each day of a continuing violation shall constitute a separate violation. The board shall make or cause to be made a written demand for payment to be served upon the person in violation, which shall set forth in detail a description of the violation for which the penalty has been imposed. If payment is not received or equitable settlement reached within 60 days after demand for payment is made, the matter may be referred to the county attorney for institution of a civil action in the name of the county in the appropriate division of the general court of justice for recovery of the penalty. Any sums recovered shall be used to carry out the purposes and requirements of this article.~~

~~(3) Injunctive relief.~~

~~a. Whenever the county animal control officer or the state wildlife resources~~

~~commission has cause to believe that any person is violating or threatening to violate this article, the agency shall report the violation or threatened violation to the board. The board may, either before or after the institution of any other action or proceeding authorized by this article, institute a civil action in the~~

name of the county for injunctive relief to restrain the violation or threatened violation.

- b. Upon determination by a court that an alleged violation is occurring or is threatened, it shall enter such orders or judgments as are necessary to abate the violation or to prevent the threatened violation. The institution of any action for injunctive relief under this section shall not relieve any civil or criminal penalty prescribed for violations of this article.

**Sec. 4-137. Severability.**

If any provision of this article or its application to any person or circumstance is declared to be invalid, such invalidity shall not affect other provisions or applications of this article which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

**Secs. 4-138-4 160. Reserved.**

**~~DIVISION 2. STANDARDS FOR PRIMARY  
AND SECONDARY ENCLOSURES\*~~**

**~~Sec. 4-161. Purpose of division.~~**

~~This division specifies minimum standards for the construction of primary and secondary enclosures that are to be used to keep, harbor or restrain wild animals. If, because of the breeding, history, character or other particular trait, it is the opinion of the animal control officer that these standards are insufficient to restrain any wild animal, he shall report such findings to the director, and issue no permits until standards sufficient to restrain the animal as determined by the director are installed.~~

~~\*Cross reference — Buildings and building regulations, ch. 6.~~

**~~Sec. 4-162. Primary enclosures.~~**

~~(a) Generally. Primary enclosures used to restrain and confine the animals specified in this section shall be constructed with the materials and in the manner specified.~~

~~(b) Tigers and hybrids. Tigers shall be housed within a primary enclosure constructed in accordance with the following standards:~~

~~(1) Minimum enclosure area. A primary enclosure for animals in this category shall contain a minimum of 600 square feet of ground or floor area per animal.~~

~~(2) Number of animals permitted. No more than one male or two females shall be permitted in any one primary enclosure.~~

~~(3) Construction standards.~~

~~a. Every enclosure must be constructed of not less than nine gauge, steel chainlink fencing attached to not smaller than 2<sup>1</sup>/<sub>2</sub> inch diameter, schedule 40 steel poles placed at least 30 inches in the ground and anchored in concrete. Poles shall be no more than ten feet apart and shall be of sufficient height to extend to the top of the fencing.~~

~~b. Fencing shall be placed on the interior side of the steel poles and shall be attached firmly to the poles by means of steel wire ties spaced not more than one foot apart, tied securely around the full circumference of the poles.~~

~~c. Enclosures with tops or roofs shall have sides with a minimum height of eight feet. Enclosure tops or roofs shall be constructed of not less than 11 gauge, steel chainlink fencing, which shall be attached securely to the enclosure sides and/or horizontal piping or crossbars by means of steel wire ties spaced at not more than three inch intervals.~~

- d. ~~Enclosures without tops or roofs shall have sides with a minimum height of 12 feet. At the top of the enclosure sides, there shall be an overhang of four feet in length, extending inward toward the cage interior, and forming an angle of 45 degrees with the enclosure sides. The overhang shall be constructed of not less than nine gauge, steel chainlink fencing, which shall be attached securely to the enclosure sides and/or horizontal piping or crossbars by means of steel wire ties spaced not more than three inches apart.~~
- e. ~~For purposes of structural integrity, no gaps of larger than two inches shall be permitted between roof or top and side fencing, between enclosure poles and entrance gates into the enclosure, and between side fencing and ground or floor level.~~
- f. ~~Every enclosure floor or base shall be constructed of concrete or shall be comprised of at least six inches of crushed stone. Where a concrete floor is provided, fencing used for enclosure sides shall be extended into and encased in the concrete to prevent the animal from tunneling out. Where a crushed stone base is provided, the side fencing must be extended four feet below the surface of the ground or secured at ground level by means of a horizontal crossbar or piping. Where side fencing is secured to a horizontal crossbar along the bottom of the enclosure, the fencing must be firmly secured along with steel wire ties spaced not more than three inches apart.~~
- (4) ~~*Safety doors required.* All primary enclosures shall have double safety doors, which consist of a safety door providing access into a caged area from which entry is provided into the primary enclosure containing the animal by means of another safety door. When human entrance is being made, the outer door must be securely closed and fastened before entrance is made through the inner door. When human entrance is not being made, both the inner and outer doors must be locked by means of chains and padlocks located at the top and bottom of the door.~~
- (5) ~~*Separation of animals.* There shall be no common fences between enclosures housing tigers and other animals. If adult male animals are placed in adjacent enclosures, the enclosures shall be constructed of nine gauge, steel chainlink fencing, doubled and spaced at least three feet apart so as to prohibit physical contact between the animals.~~
- (6) ~~*Other requirements.* Primary enclosures shall contain a den of retreat to shelter the animals from the weather. The den or retreat shall be constructed of concrete block or treated lumber so as to withstand weatherization and provide ease of cleaning for health reasons. Claw logs shall also be provided, as well as a shelf at least 30 inches wide, eight feet long, and 40 inches high above floor or ground level.~~
- (c) ~~*Leopards, jaguars and hybrids.* Leopards and jaguars shall be housed within a primary enclosure constructed in accordance with the following standards:~~
- (1) ~~*Minimum enclosure area.* A primary enclosure for animals in this category shall contain a minimum of 400 square feet of ground or floor area for the first animal and 200 square feet of ground or floor area for each additional animal.~~
- (2) ~~*Number of animals permitted.* The number of animals permitted is as prescribed in subsection (b)(2) of this section.~~
- (3) ~~*Construction standards.* Construction standards are as prescribed in subsection (b)(3) of this section, except primary enclosures for animals in this category shall all have roofs or tops, and side fencing shall be buried at least four feet below ground level or anchored in a concrete floor to prevent tunneling by the animals.~~

~~(4) Safety doors required.~~ Safety doors are as prescribed in subsection (b)(4) of this section.

~~(5) Separation of animals.~~ Separation of animals is as prescribed in subsection (b)(5) of this section.

~~(6) Other requirements.~~ Other requirements are as prescribed in subsection (b)(6) of this section, except shelves shall be at least 24 inches wide, eight feet long, and 40 inches above floor or ground level.

~~(d) Servals and hybrids.~~ Servals shall be housed in a primary enclosure constructed in accordance with the following standards:

~~(1) Minimum enclosure area.~~ A primary enclosure for animals in this category shall contain a minimum of 100 square feet of floor or ground area per animal.

~~(2) Number of animals permitted.~~ The number of animals permitted is as prescribed in subsection (b)(2)

~~of this section.~~

~~(3) Construction standards.~~ Construction standards are as prescribed in subsection (b)(3) of this section,

~~except as follows:~~

~~a. Primary enclosures in this category shall all have roofs or tops.~~

~~b. Sides and roofs or tops of enclosures shall be constructed of no smaller than 11<sup>1</sup>/<sub>2</sub> gauge, steel chainlink fencing secured to steel poles not smaller than 1<sup>1</sup>/<sub>2</sub> inches in diameter.~~

~~c. Side fencing shall be buried at least 30 inches below ground level or anchored in a concrete floor to prevent tunneling by the animals.~~

~~(4) Safety doors required.~~ Safety doors are as prescribed in subsection (b)(4) of this section, except that both the inner and outer doors must have one separate padlock each.

~~(5) Separation of animals.~~ Separation of animals is as prescribed in subsection (b)(5) of this section, except fencing may be 11<sup>1</sup>/<sub>2</sub> gauge, steel chainlink fencing.

~~(6) Other requirements.~~ Other requirements are as prescribed in subsection (b)(6) of this section, except shelves shall be at least 14 inches wide, four feet long and 36 inches high above floor or ground level.

~~(e) Bears and hybrids.~~ Bears shall be housed within a primary enclosure constructed in accordance with the following standards:

~~(1) Minimum enclosure area.~~ A primary enclosure for animals in this category shall contain a minimum of 600 square feet of floor or ground area per animal.

~~(2) Number of animals permitted.~~ No more than one male or one female animal shall be permitted in any one enclosure.

~~(3) Construction standards.~~ The primary enclosure shall be constructed of solid steel bars at least three fourths of an inch in diameter, anchored in the ground in at least 30 inches of concrete, spaced no more than four inches apart. Enclosures shall be at least ten feet in height and shall have a top or roof constructed of the same material as the sides. The sides shall be firmly attached to the top or roof and have no gaps. All vertical steel bars shall be connected by means of a crossweld, steel horizontal bar three feet from enclosure top and bottom. Enclosures shall have a floor of concrete, covered with plywood or crushed rock sufficient to protect the animals housed in the enclosure and to prevent tunneling by the animals.

~~(4) Safety doors required.~~ Safety doors are as prescribed in subsection (b)(4) of this section, except constructed in the same manner and materials as primary enclosures.

- ~~(5) *Separation of animals.* Separation of animals is as prescribed in subsection (b)(5) of this section, except the sides of adjacent enclosures shall be constructed of solid steel bars at least three-fourths of an inch in diameter and anchored in the ground in at least 30 inches of concrete.~~
- ~~(6) *Other requirements.* Other requirements are as prescribed in subsection (b)(6) of this section, except the requirement for claw logs and shelves.~~
- ~~(f) *Reptiles, crushing.* Crushing reptiles shall be housed within a primary enclosure constructed in accordance with the following standards:~~
- ~~(1) *Minimum enclosure area.* A primary enclosure for animals in this category shall contain a minimum of six cubic feet per reptile; however, the enclosure shall, in any event, be of sufficient size to accommodate the animal and allow for normal growth.~~
- ~~(2) *Number of animals permitted.* The number of animals permitted is as prescribed in subsection (b)(2) of this section.~~
- ~~(3) *Construction standards.* The primary enclosure may be constructed of wood, metal, glass or fencing material or any combination sufficient to restrain and confine the reptile. Where solid wood, metal and/or glass enclosures are provided, holes shall be provided in the sides for ventilation but shall be small enough to prevent the escape of the animal. Where fencing material is used, the spacing between strands of wire shall be small enough to prevent the escape of the animal. All enclosures must be of such construction as to totally enclose the reptile and prevent the animal from opening the enclosure from within.~~
- ~~(4) *Safety doors required.* At least one side of the enclosure must have a window of glass or fencing through which the owner or permittee may see the location of the animal before opening the enclosure. In lieu of a window, one or more sides of the enclosure may be constructed of glass or fencing to allow viewing of the animal. All doors and entrances to the enclosure must be padlocked to contain the reptile and prevent its removal without the owner's or the permittee's permission.~~

**Sec. 4-163. Secondary enclosures.**

- ~~(a) *Generally.* Secondary enclosures shall serve as a perimeter fence surrounding all primary enclosures except those for reptiles. The secondary enclosure shall be provided in order to protect the public and the animals by restricting public accessibility to the primary enclosures.~~
- ~~(b) *Construction standards.* All secondary enclosures shall be constructed of not smaller than 11<sup>1</sup>/<sub>2</sub> gauge, steel chainlink fencing attached to not smaller than P/2 inch diameter steel poles placed at least 30 inches in the ground and anchored in concrete. Fencing shall be placed on the interior side of the steel poles and shall be attached firmly to the poles by means of steel wire ties spaced not more than one foot apart and which are tied securely around the full circumference of the poles. Fencing shall be at least eight feet in height and shall be electrified at the bottom and the top of the enclosure by a single insulated wire strand running the full circumference of the enclosure.~~
- ~~(c) *Separation of enclosures.* Secondary enclosures shall not have any common wall with any primary enclosure. The spacing between the primary enclosure, and the secondary enclosure shall be a minimum of six feet.~~
- ~~(d) *Safety doors required.* A safety door shall be provided for secondary enclosures and shall have a separate padlock.~~

**~~Sec. 4-164. Variation from division provisions.~~**

~~Variations from this division shall be permitted where, based on initial inspections, it is found that enclosures, with slight modifications, can confine the animals in a safe and humane manner.~~

**~~Sec. 4-165. Structural integrity to be maintained.~~**

~~All primary and secondary enclosures shall be designed, constructed and maintained so that no foreseeable event or series of events shall break the structural integrity of the primary and secondary enclosures.~~