In North Carolina, private ownership of inherently dangerous, non-native, or exotic animals (“exotic animals”) is regulated primarily by local governments. This chapter briefly reviews the arguments for and against such regulation, summarizes the limited provisions that address exotic animals in federal and state law, and analyzes some of the ordinances adopted by the state’s cities and counties.

Background
Private ownership of exotic animals, like many animal-related issues, is quite controversial. Proponents of exotic animal regulation typically offer three justifications. First, they argue, introduction of exotic species can present a risk to public safety. In 2003, for example, a ten-year old Wilkes County boy was killed by his aunt’s pet tiger, and in 2004 a fourteen-year old girl in Surry County was attacked by one of her family’s four pet tigers. Second, say proponents of regulation, exotic animals can create threats to both the public health and the environment. Recent examples of such risks include the 2003 outbreak of

monkeypox in humans attributed to pet prairie dogs\textsuperscript{4} and the escape and proliferation of Burmese pythons in the Florida Everglades.\textsuperscript{5} Finally, proponents argue, exotic animals often suffer when owned privately because their keepers are neither trained nor equipped to provide appropriate care.\textsuperscript{6}

Opponents argue that regulation interferes with the educational benefits associated with private zoos and traveling animal exhibitions.\textsuperscript{7} Others contend that private owners can help prevent the extinction of many species through captive breeding programs.\textsuperscript{8} Finally, some disagree with the public health and safety arguments put forward by proponents and argue that government regulation unnecessarily infringes individuals’ property rights to own such animals and earn a living through private enterprises.\textsuperscript{9}

**Federal Law**

Several federal agencies are involved in regulating exotic animals. Public health officials have issued several animal-related regulations over the years in response to communicable disease threats, and wildlife officials have exercised their relatively expansive authority to regulate the introduction of exotic species into the country.

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\textsuperscript{9} Id.
The Food and Drug Administration (FDA) in the U.S. Department of Health and Human Services has regulations in place that (1) prohibit the sale of turtles (with shells four inches long or smaller) and turtle eggs\(^{10}\) and (2) restrict interstate transport of psittacine birds, such as parrots, cockatoos, and parakeets.\(^{11}\) These regulations are intended to minimize the transmission of salmonellosis (from turtles) and psittacosis (from birds) to humans.

In addition, following the 2003 monkeypox outbreak, the FDA and the Centers for Disease Control and Prevention adopted regulations prohibiting the import of African rodents (or products from such rodents) and the capture, sale, transport, or release of several animals with known potential for transmitting the monkeypox virus to humans; the prohibited animals include prairie dogs, Gambian rats, and certain squirrels and porcupines.\(^{12}\) Both sets of monkeypox regulations provide for limited exceptions to the prohibitions.

The U.S. Fish and Wildlife Service of the Department of the Interior exercises regulatory authority that extends beyond the communicable disease realm. It is responsible for implementing federal laws that make it unlawful to

- import animals and fish the agency deems “injurious” to people or agricultural interests;\(^{13}\)
- import, export, transport, sell, receive, acquire, or purchase fish, wildlife, or plants that are taken, possessed, transported, or sold in violation of any law (including foreign, federal, and state laws);\(^{14}\) and
- import, export, transport, sell, receive, acquire, or purchase live lions, tigers, leopards, snow leopards, clouded leopards, cheetahs, jaguars, or cougars, or any hybrid combination of these species.\(^{15}\)

A person who violates one of these laws may be subject to civil and criminal penalties.\(^{16}\)

There are some limited exceptions to these federal laws. For example, wildlife rehabilitators, universities, veterinarians, and certain wildlife sanctuaries are not subject to the same restrictions as the general public. Under some

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10. 21 C.F.R. 1240.62.
11. 21 C.F.R. 1240.65.
12. 21 C.F.R. 1240.63 (FDA regulation); 42 C.F.R. 71.56.
circumstances, the Fish and Wildlife Service may also issue permits allowing the importation of animals considered injurious.\textsuperscript{17}

**State Law**

North Carolina does not have a general statewide law regulating the ownership or possession of exotic or dangerous animals. According to the Animal Protection Institute, an advocacy organization that supports regulation of private ownership of exotic animals,

- eighteen states have a ban on private ownership;
- ten states have a partial ban on private ownership;
- thirteen states require owners of exotic animals to obtain a license or permit from the state; and
- nine states, including North Carolina, have not adopted a state law banning private ownership or requiring licenses or permits.\textsuperscript{18}

In 2006 the General Assembly directed a study commission to identify animals that are so dangerous that they should not be owned or possessed by private individuals and to offer recommendations regarding appropriate state regulation of the keeping of such animals.\textsuperscript{19} The study commission offered its conclusions and recommendations to the General Assembly in May 2007. It identified various species that should be regulated by the state as inherently dangerous animals, recommended a system of grandfathering for current owners of such animals, and suggested the types of people and organizations that should be exempt from state regulation.\textsuperscript{20} The 2007 General Assembly considered but did not act on legislation that incorporated some of the study commission’s recommendations.\textsuperscript{21}

While North Carolina does not have a comprehensive state law, it does have laws that regulate native wildlife as well as the ownership, possession, or keep-

\textsuperscript{17} Permit information is available at www.fws.gov/permits/instructions/ObtainPermit.shtml.

\textsuperscript{18} Animal Protection Institute (API), State Laws Governing Private Possession of Exotic Animals. API recognizes that some of these last nine states may regulate entry of exotic animals into the state or require a veterinary certificate. North Carolina does not have any such regulation, www.api4animals.org/b4a2_exotic animals_map.php (last visited Feb. 25, 2008).

\textsuperscript{19} S.L. 2006-248, sec. 32.1 through 32.3.

\textsuperscript{20} Inherently Dangerous Exotic Animals in North Carolina: Recommendations of the Study Committee (May 2007) (on file with author).

\textsuperscript{21} S 1477/H 1614.
ing of certain exotic or dangerous animals. The state, through the Wildlife Resources Commission (WRC), exercises jurisdiction over native North Carolina wildlife and regulates the killing or capture of such animals. In addition, the WRC has the authority to regulate the “acquisition, importation, possession, transportation, disposition, or release into public or private waters or the environment of zoological or botanical species or specimens that may threaten the introduction of epizootic disease or may create a danger to or an imbalance in the environment inimical to the conservation of wildlife resources.” This WRC regulatory authority is limited, however, to species or specimens that may have a negative environmental impact. It does not appear to extend to regulation of animals that some perceive as dangerous for other reasons, such as tigers.

With respect to non-native wildlife, the state has statutes that make it unlawful to

- intentionally expose humans to venomous reptiles.
- raise American alligators without a proper license.
- release exotic species of wild animals or wild birds into an area for the purpose of stocking an area for hunting or trapping.
- sell or barter turtles.

In addition, local public health directors have independent authority to declare “vicious and a menace to the public health” any animal that makes an unprovoked attacked on a person causing bodily harm. Once an animal has been declared vicious, it must be confined to its owner’s property except when (1) accompanied by a responsible adult and (2) restrained on a leash.

22. See Article 24 of N.C. GEN. STAT. Chapter 143 (hereinafter G.S.) (establishing the Wildlife Resources Commission); G.S. Ch. 113 (including various statutes governing the jurisdiction and activities of the commission).
23. G.S. 113-292(d).
24. G.S. 14-416 et seq.
26. G.S. 113-292(e).
27. N.C. ADMIN. CODE tit. 10A, ch. 41A, § .0302 (hereinafter N.C.A.C.). This regulation is intended to “prevent the spread of salmonellosis from pet turtles to humans.” The prohibition does not apply to sales of turtles used for scientific, educational, or food purposes. Id.
28. G.S. 130A-200. The animal must not have been “teased, molested, provoked, beaten, tortured, or otherwise harmed.”
Local Ordinances

Many North Carolina local governments have adopted local exotic animal ordinances. According to one report, at least twenty-six counties and eleven municipalities have exotic animal laws in place.29 Cities and counties interested in adopting such ordinances may rely upon two different sources of statutory authority.

- General authority to protect the health, safety, and welfare30
- Specific authority to regulate animals that are dangerous to persons or property31

The general ordinance-making authority, often referred to as “police power,” is broad in scope and can be the basis for various types of exotic animal regulations, including a complete ban on private ownership. The second source of authority, which allows regulation of dangerous animals, may be interpreted narrowly or broadly. A narrow interpretation of the term *dangerous* would limit it to animals that might injure a person (e.g., tigers, venomous reptiles); but it could also be interpreted to extend to regulation of animals—such as prairie dogs—that are not necessarily threats to physical safety but may introduce diseases dangerous to humans or domestic animals.

The scope and content of local ordinances vary across the state. Based on a sample of ordinances, it appears that local governments considering regulation in this area must answer two closely related policy questions.32

- What is the ordinance trying to achieve?
- What types of animals does the jurisdiction want to regulate?

Local governments across the state have answered these questions differently.

What Is the Ordinance Trying to Achieve?

Local ordinances in North Carolina take a variety of different approaches to regulation of exotic animals within their jurisdictions. The most common tactic appears to be a ban on private ownership. For example:

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30. G.S. 153A-121 (counties); 160A-174 (cities).
32. This section is based on a review of ordinances available on www.municode.com and on individual websites of some jurisdictions.
• “No person, firm, or corporation shall keep, maintain, possess or have within the county any venomous reptile or any other wild or exotic animal.”

• “It is unlawful to keep or harbor or breed or sell or trade any wild or exotic animal as a pet, for display or for exhibition purposes, whether gratuitously or for a fee, except as may be licensed by the state wildlife resources commission under its regulations pertaining to wildlife rehabilitators.”

Ordinances often include at least one exception to the ban. Examples of exceptions include circuses, carnivals, zoos, pet shops, animal transport vehicles passing through the jurisdiction, scientific research laboratories, veterinary clinics, and wildlife rehabilitators.

Some jurisdictions do not adopt bans on private ownership but take alternative approaches, including

• **Reporting requirements:** Owners of exotic animals in Cary or Smithfield must comply with several reporting requirements. They must notify animal control officials of (1) the animal’s arrival; (2) any injuries to persons, other animals, or property caused by the animal; and (3) if the animal is required to be confined, any incident in which it escapes or roams at large.

• **Permitting requirements:** Wilmington requires owners of livestock and wild animals to obtain permits, but it appears to limit wild animal permits to people who hold licenses or permits from the North Carolina Wildlife Resources Commission, such as wildlife captivity licenses or wildlife rehabilitation permits.

• **Bonding requirements:** If a person wants to temporarily exhibit a wild or nondomesticated animal within the city of Henderson, he or she must post a $10,000 bond and have a $1 million insurance policy in place insuring against any damage or injury caused by the animal.

• **Enclosures:** Orange County requires primary and secondary enclosures for wild animals.

33. Buncombe County Code of Ordinances, § 6-61; see also Charlotte Code of Ordinances, § 3-73(a) (using similar language); Currituck County Code of Ordinances, § 3-88.

34. Fayetteville Code of Ordinances, § 6-73(b).


38. Orange County Code of Ordinances, § 4-133.
What Types of Animals Are Regulated?

Ordinances address and define a variety of different categories of animals, including those that are wild, exotic, and/or inherently dangerous. Some define a category by listing common names or species of the animals, while others define a category much more broadly. A few localities, such as Iredell County, not only define terms but include a list of animals that are not encompassed by the definition. A few examples of defined categories follow:

- **Exotic animals**: Exotic animals are animals other than domestic animals, farm animals, and wild animals which are not native to North Carolina.\(^ {39}\)
- **Wild animals** shall include an animal that (i) typically is found in a nondomesticated state and that, because of its size or vicious propensity or because it is poisonous or for any other substantial reason poses a potential danger to persons, other animals or property, or (ii) is classified as a wild animal by the North Carolina Wildlife Resources Commission (WRC) so that any person wishing to possess the same is required by state law to obtain a permit from WRC.\(^ {40}\)
- **Exotic or wild animal**: An animal that would ordinarily be confined to a zoo, or one that would ordinarily be found in the wilderness of this or any other country or one that is a species of animal not indigenous to the United States or to North America, or one that otherwise is likely to cause a reasonable person to be fearful of significant destruction of property or of bodily harm and the latter includes but is not limited to: monkeys, raccoons, squirrels, ocelots, bobcats, wolves, hybrid wolves, venomous reptiles, and other such animals. Such animals are further defined as those mammals or non-venomous reptiles weighing over fifty (50) pounds at maturity, which are known at law as ferae naturae. Exotic or wild animals specifically do not include animals of a species customarily used in North Carolina as ordinary household pets, animals of a species customarily used in North Carolina as domestic farm animals, fish confined in an aquarium other than piranha, birds, or insects.\(^ {41}\)
- (1) **Wild animals dangerous to humans and property**. Wild animals are any animals not normally domesticated. For purposes of this chapter, wild animals are deemed inherently dangerous. They are deemed as such because of their vicious propensities and capabilities, the likely gravity

\(^{39}\) Chapel Hill Code of Ordinances, § 4-1(k).
\(^{40}\) Wilmington Code of Ordinances, § 6-2.1.
of harm inflicted by their attack and unpredictability despite attempts at domestication. The category of wild animals includes but is not limited to:

a. Members of the Canidae family such as wolves, coyotes, and hybrids of those breeds.

b. Members of the Ursidae family which includes any member of the bear family or hybrids thereof.

c. Members of the Felidae family such as wild cats, cougars, mountain lions, or panthers.

(2) Exotic animals dangerous to humans and property. Exotic animals are also considered to be inherently dangerous for purposes of this chapter. Like wild animals, exotic animals are dangerous because of their vicious propensities and capabilities, the gravity of harm inflicted by their attack, and unpredictability despite attempts at domestication. The category of exotic animals includes, but is not limited to:

a. Reptiles which are poisonous or constricting reptiles more than ten (10) feet in length.

b. Nonhuman primates weighing greater than twenty-five (25) pounds.

c. Members of the feline family other than domestic house cats, including, but not limited to lions, tigers and leopards.

d. Reptiles which are members of the crocodile family, including, but not limited to alligators and crocodiles.

Wild and exotic animals do not include:

(1) Wolf–dog cross breeds.

(2) Foreign rodents such as guinea pigs, hamsters, ferrets, and chinchillas.

(3) Members of the reptile and amphibian family not specifically mentioned above such as small lizards and iguanas, salamanders, turtles and frogs.

(4) Vietnamese potbellied pigs, and other members of the Suidae family, except wild boar and peccary.

(5) Horses and other members of the Equidae family.

(6) Cows and other members of the Bovidae family.

(7) Deer and other members of the Cervidae family.

(8) Domestic dogs and cats.

These animals do not have dangerous propensities and pose no serious threat to the safety of persons and property within Iredell County.42

One of the most controversial definitional issues is whether to include hybrid animals, particularly wolf–dog hybrids. Members of the state study commis-

sion that examined this issue in 2007 could not reach consensus on whether

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42. Iredell County Code of Ordinances, § 3-1.
these animals were “inherently dangerous.” For the most part, North Carolina localities that regulate exotic animals have included wolf–dog hybrids within the scope of their ordinances, and several local governments have specifically included hybrids of other animals (such as bears and cats) as well.

**Conclusion**

Taken together, state and federal laws and local ordinances create a patchwork of regulation governing some aspects of private ownership of wild and exotic animals. Given the national trend toward statewide regulation and the General Assembly’s recent discussion about inherently dangerous animals, it would not be surprising if North Carolina implemented more comprehensive legislation in the coming years.

44. See, e.g., Smithfield Code of Ordinances, § 4-9(a) (“A hybrid of any animal as defined in this section, regardless of genetic percentages, shall be deemed exotic.”); Fayetteville Code of Ordinances, § 6-73 (“Wild or exotic animal means an animal which is usually not a domestic animal and which can normally be found in the wild state, including, but not limited to, lions, tigers, leopards, panthers, wolves, foxes, lynxes, or any hybrid of like animals, alligators, crocodiles, apes, foxes, elephants, rhinoceroses, bears, all forms of poisonous snakes, raccoons, skunks, monkeys, bats and like animals.”).
Relevant Statutes

Article 55 of Chapter 14
Handling of Poisonous Reptiles.

§ 14-416. Handling of poisonous reptiles declared public nuisance and criminal offense.
The intentional exposure of human beings to contact with reptiles of a venomous nature being essentially dangerous and injurious and detrimental to public health, safety and welfare, the indulgence in and inducement to such exposure is hereby declared to be a public nuisance and a criminal offense, to be abated and punished as provided in this Article.

§ 14-417. Regulation of ownership or use of poisonous reptiles.
It shall be unlawful for any person to own, possess, use, or traffic in any reptile of a poisonous nature whose venom is not removed, unless such reptile is at all times kept securely in a box, cage, or other safe container in which there are no openings of sufficient size to permit the escape of such reptile, or through which such reptile can bite or inject its venom into any human being.

§ 14-418. Prohibited handling of reptiles or suggesting or inducing others to handle.
It shall be unlawful for any person to intentionally handle any reptile of a poisonous nature whose venom is not removed, by taking or holding such reptile in bare hands or by placing or holding such reptile against any exposed part of the human anatomy, or by placing their own or another's hand or any other part of the human anatomy in or near any box, cage, or other container wherein such reptile is known or suspected to be. It shall also be unlawful for any person to intentionally suggest, entice, invite, challenge, intimidate, exhort or otherwise induce or aid any person to handle or expose himself to any such poisonous reptile in any manner defined in this Article.

§ 14-419. Investigation of suspected violations; seizure and examination of reptiles; disposition of reptiles.
In any case in which any law-enforcement officer or animal control officer has reasonable grounds to believe that any of the provisions of this Article have been or are about to be violated, it shall be the duty of such officer and he is hereby authorized, empowered, and directed to immediately investigate such violation or impending violation and to forthwith seize the reptile or reptiles involved, and all such officers are hereby authorized and directed to deliver such reptiles to the North Carolina State Museum of Natural Sciences or to its
designated representative for examination and test for the purpose of ascertaining whether said reptiles contain venom and are poisonous. If the North Carolina State Museum of Natural Sciences or its designated representative finds that said reptiles are dangerously poisonous, the North Carolina State Museum of Natural Sciences or its designated representative shall be empowered to dispose of said reptiles in a manner consistent with the safety of the public; but if the Museum or its designated representative find that the reptiles are not dangerously poisonous, and are not and cannot be harmful to human life, safety, health or welfare, then it shall be the duty of such officers to return the said reptiles to the person from whom they were seized within five days.

If the examination and tests made by the North Carolina State Museum of Natural Sciences or its designated representative as provided herein show that such reptiles are dangerously poisonous, it shall be the duty of the officers making the seizure, in addition to destroying such reptiles, also to arrest all persons violating any of the provisions of this Article.

§ 14-421. Exemptions from provisions of Article.
This Article shall not 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.

§ 14-422. Violation made misdemeanor.
Any person violating any of the provisions of this Article shall be guilty of a Class 2 misdemeanor.

(a) License Required. – A person who intends to raise American alligators commercially must first obtain an Aquaculture Propagation and Production Facility License from the Department. The Board of Agriculture may regulate a facility that raises American alligators to the same extent that it can regulate any other facility licensed under this Article.

(b) Requirements. – A facility that raises American alligators commercially must comply with all of the following requirements:

(1) Before a facility begins operation, it must prepare and implement a confinement plan. After a facility begins operation, it must adhere to the confinement plan. A confinement plan must comply with guidelines developed
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and adopted by the Wildlife Resources Commission. The Department may inspect a facility to determine if the facility is complying with the confinement plan. As used in this subdivision, “confinement” includes production within a building or similar structure and a perimeter fence.

(2) A facility can possess only hatchlings that have been permanently tagged and have an export permit from their state of origin. The facility must keep records of all hatchlings it receives and must make these records available for inspection by the Wildlife Resources Commission and the Department upon request.

(3) If the facility uses swine, poultry, or other livestock for feed, it must have a disease management plan that has been approved by the State Veterinarian, and it must comply with the plan.

(4) The activities of the facility must comply with the Endangered Species Act and the Convention on International Trade in Endangered Species. The Department is the State agency responsible for the administration of this program for farm-raised alligators.

(c) Sanctions. – The operator of a facility that possesses an untagged or undocumented alligator commits a Class H felony if the operator knows the alligator is untagged or undocumented. Conviction of an operator of a facility under this section revokes the license of the facility for five years beginning on the date of the conviction. An operator convicted under this section may not be the operator of any other facility required to be licensed under this Article for five years beginning on the date of the conviction.

§ 113-292. Authority of the Wildlife Resources Commission in regulation of inland fishing and the introduction of exotic species.

(a) The Wildlife Resources Commission is authorized to authorize, license, regulate, prohibit, prescribe, or restrict all fishing in inland fishing waters, and the taking of inland game fish in coastal fishing waters, with respect to:

(1) Time, place, character, or dimensions of any methods or equipment that may be employed in taking fish;

(2) Seasons for taking fish;

(3) Size limits on and maximum quantities of fish that may be taken, possessed, bailed to another, transported, bought, sold, or given away.

(b) The Wildlife Resources Commission is authorized to authorize, license, regulate, prohibit, prescribe, or restrict:
(1) The opening and closing of inland fishing waters, whether entirely or only as to the taking of particular classes of fish, use of particular equipment, or as to other activities within the jurisdiction of the Wildlife Resources Commission; and

(2) The possession, cultivation, transportation, importation, exportation, sale, purchase, acquisition, and disposition of all inland fisheries resources and all related equipment, implements, vessels, and conveyances as necessary to implement the work of the Wildlife Resources Commission in carrying out its duties.

To the extent not in conflict with provisions enforced by the Department, the Wildlife Resources Commission may exercise the powers conferred in this subsection in coastal fishing waters pursuant to its rule of inland game fish in such waters.

(c) The Wildlife Resources Commission is authorized to make such rules pertaining to the acquisition, disposition, transportation, and possession of fish in connection with private ponds as may be necessary in carrying out the provisions of this Subchapter and the overall objectives of the conservation of wildlife resources.

(c1) The Wildlife Resources Commission is authorized to issue proclamations suspending or extending the hook-and-line season for striped bass in the inland and joint waters of coastal rivers and their tributaries, and the Commission may delegate this authority to the Executive Director. Each proclamation shall state the hour and date upon which it becomes effective, and shall be issued at least 48 hours prior to the effective date and time. A permanent file of the text of all proclamations shall be maintained in the office of the Executive Director. Certified copies of proclamations are entitled to judicial notice in any civil or criminal proceeding.

The Executive Director shall make reasonable effort to give notice of the terms of any proclamation to persons who may be affected by it. This effort shall include press releases to communications media, posting of notices at boating access areas and other places where persons affected may gather, personal communication by agents of the Wildlife Resources Commission, and other measures designed to reach persons who may be affected. Proclamations under this subsection shall remain in force until rescinded following the same procedure established for enactment.

(d) The Wildlife Resources Commission is authorized to authorize, license, regulate, prohibit, prescribe, or restrict anywhere in the State the acquisition, importation, possession, transportation, disposition, or release into public or private waters or the environment of zoological or botanical species or specimens that may threaten the introduction of epizootic disease or may create
a danger to or an imbalance in the environment inimical to the conservation of wildlife resources. This subsection is not intended to give the Wildlife Resources Commission the authority to supplant, enact any conflicting rules, or otherwise take any action inconsistent with that of any other State agency acting within its jurisdiction.

(e) It is unlawful for any person to:

1. Release or place exotic species of wild animals or wild birds in an area for the purpose of stocking the area for hunting or trapping;
2. Release or place species of wild animals or wild birds not indigenous to that area in an area for the purpose of stocking the area for hunting or trapping;
3. Take by hunting or trapping any animal or bird released or placed in an area in contravention of subdivisions (1) and (2) of this subsection, except under a permit to hunt or trap which may be issued by the Wildlife Resources Commission for the purpose of eradicating or controlling the population of any species of wildlife that has been so released or placed in the area.

§ 130A-200. Confinement or leashing of vicious animals.
A local health director may declare an animal to be vicious and a menace to the public health when the animal has attacked a person causing bodily harm without being teased, molested, provoked, beaten, tortured or otherwise harmed. When an animal has been declared to be vicious and a menace to the public health, the local health director shall order the animal to be confined to its owner’s property. However, the animal may be permitted to leave its owner’s property when accompanied by a responsible adult and restrained on a leash.

§ 153A-121. General ordinance-making power.
(a) A county may by ordinance define, regulate, prohibit, or abate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the county; and may define and abate nuisances.

(b) This section does not authorize a county to regulate or control vehicular or pedestrian traffic on a street or highway under the control of the Board of Transportation, nor to regulate or control any right-of-way or right-of-passage belonging to a public utility, electric or telephone membership corporation, or public agency of the State. In addition, no county ordinance may regulate or control a highway right-of-way in a manner inconsistent with State law or an ordinance of the Board of Transportation.
(c) This section does not impair the authority of local boards of health to adopt rules and regulations to protect and promote public health.

§ 153A-131. Possession or harboring of dangerous animals.
A county may by ordinance regulate, restrict, or prohibit the possession or harboring of animals which are dangerous to persons or property. No such ordinance shall have the effect of permitting any activity or condition with respect to a wild animal which is prohibited or more severely restricted by regulations of the Wildlife Resources Commission.

(a) A city may by ordinance define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the city, and may define and abate nuisances.
(b) A city ordinance shall be consistent with the Constitution and laws of North Carolina and of the United States. An ordinance is not consistent with State or federal law when:

1. The ordinance infringes a liberty guaranteed to the people by the State or federal Constitution;
2. The ordinance makes unlawful an act, omission or condition which is expressly made lawful by State or federal law;
3. The ordinance makes lawful an act, omission, or condition which is expressly made unlawful by State or federal law;
4. The ordinance purports to regulate a subject that cities are expressly forbidden to regulate by State or federal law;
5. The ordinance purports to regulate a field for which a State or federal statute clearly shows a legislative intent to provide a complete and integrated regulatory scheme to the exclusion of local regulation;
6. The elements of an offense defined by a city ordinance are identical to the elements of an offense defined by State or federal law.

The fact that a State or federal law, standing alone, makes a given act, omission, or condition unlawful shall not preclude city ordinances requiring a higher standard of conduct or condition.

§ 160A-187. Possession or harboring of dangerous animals.
A city may by ordinance regulate, restrict, or prohibit the possession or harboring within the city of animals which are dangerous to persons or property. No such ordinance shall have the effect of permitting any activity or condition with respect to a wild animal which is prohibited or more severely restricted by regulations of the Wildlife Resources Commission.