

## **ARTICLE I**

Amended February 2021

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### **ROBESON COUNTY ANIMAL CONTROL ORDINANCE**

#### **CONTEXTUAL STATEMENT**

In July of 1990 the Robeson County Board of Health, acting entirely within the scope of its authority, adopted an ordinance entitled **Rules and Regulations Governing Animal Control in Robeson County**. That ordinance provided for, among other things, Article I, Animal Control Officers, Article II, Rabies Control, and Article III, The Impoundment and Control of Animals. The ordinance served Robeson County well for a number of years; however, times have changed and the circumstances of animal ownership have changed resulting in a substantial increase in the number of serious incidents involving dangerous dogs. In an effort to address this matter, the Robeson County Board of Commissioners appointed a Dangerous Dog Advisory Panel that provided community input in the adoption of an ordinance that better addresses present day circumstances in Robeson County. This new ordinance reflects many of the recommendations offered by the Advisory Panel and also incorporates many of the suggestions offered by the International Municipal Attorneys Association in their Model Ordinance Regulating Dangerous Dogs.

Article I (animal control officers) and Article II (rabies control) of the 1990 ordinance remain in effect as written and adopted by the Robeson County Board of Health. This new Robeson County ordinance makes significant changes to Article III (impoundment and control of animals) of the 1990 ordinance therefore, upon adoption of this new ordinance by the Robeson County Board of Commissioners, by mutual consent the Robeson County Board of Health withdraws any portions of Article III in their **Rules and Regulations Governing Animal Control in Robeson County** that conflict with this newly adopted Ordinance. This ordinance now controls and expands the matters set out in Article III of the 1990 Robeson County Board of Health Animal Control document. Finally, to the extent that Article III of the 1990 Board of Health Animal Control document governed animal related matters not otherwise addressed in this new Ordinance that affect incorporated areas of the Robeson County, Article III of the 1990 Board of Health Animal Control document controls.

#### **GENERAL POLICY STATEMENT OF THE ROBESON COUNTY BOARD OF COMMISSIONERS AND APPROVED BY THE ROBESON COUNTY BOARD OF HEALTH**

The Robeson County Board of Commissioners and the Robeson County Board of Health emphasize that the best way to prevent animal attacks is through proper training for the animal and the human companion, as well as a better understanding and greater appreciation of the particular animal by the responsible human. Our common goal is to create a safe and humane community for people and pets. This ordinance is breed-neutral (rather than breed-specific) and focuses on the behavior of individual dogs and their owners, rather than focusing on the breed of the animal. Recognizing that all dog owners in Robeson County do not agree with this policy statement, it is necessary to adopt the language contained in ARTICLE I of this newly enacted ordinance; and further, an animal license requirement ordinance is necessary to carry out the intent of ARTICLE I and is set out in Article II hereinafter.

**Sec. 1. PURPOSE:**

Pursuant to authority granted by the North Carolina General Assembly that allows Robeson County to adopt ordinances providing for responsible ownership, licensing and keeping of dangerous dogs and potentially dangerous dogs within the geographical boundaries of Robeson County, among other things, this Animal Control Ordinance is enacted to:

- A. Improve the quality of life by promoting the public health, safety and general welfare of the citizens of Robeson County;
- B. Regulate, restrict or prohibit, if necessary, certain animals;
- C. Protect the public from stray, roaming, or dangerous animals;
- D. Make unlawful acts of animals that interfere with the enjoyment of property or the peace and safety of the community; and
- E. Carry out any other lawful duties authorized by state laws and applicable Robeson County ordinances.

The Robeson County Board of Commissioners hereby declare that animals kept or allowed to be kept in violation of any of the sections of this ordinance are detrimental to the health, safety and welfare of the citizens of Robeson County and jeopardizes the peace and dignity of Robeson County.

**Sec. 2. DEFINITIONS:**

- **Animal Control Officer** means persons properly appointed by the Robeson County Board of Health to enforce all sections of this ordinance and applicable state laws and who are responsible for discharging such other duties and functions as may be prescribed by the Robeson County Board of Health and/or other adopted Robeson County ordinances.
- **Animal Control Director** means the director of the animal control department of Robeson County, or his designee.
- **At large** means an animal shall be deemed to be at large when it is off the physical property of the owner or keeper and not under physical restraint.
- **Bite injury** means any contact between an animal's mouth and teeth and the skin of a bite victim which causes visible trauma, such as a puncture wound, laceration, or other piercing of the skin.
- **Cat** means a domestic feline of either sex.
- **County** means all territory within the boundaries of Robeson County except those incorporated areas of the various municipalities, unless a written agreement exists between those incorporated areas and Robeson County.
- **County rabies ordinance** means the county ordinance for the control of rabies.
- **Dangerous** means any animal whose behavior, temperament, size, or any combination thereof, when considered under the totality of the circumstances, including the nature of the surrounding area, constitutes a reasonable risk of injuring a human or animal or animal's biting or attacking or attempting to attack a human or another animal. However, this definition does not apply to any animal that has been subject to provocation or if the victim has been trespassing upon the animal owner's premises.

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- **Dangerous dog means:**
  - a) A dog that without provocation has killed or inflicted severe injury on a person;
  - or
  - b) Is determined by the person or Board designated by the county authority responsible for animal control to be potentially dangerous because the dog has engaged in one or more of the behaviors listed in subdivision 2 of this subsection;
  - c) Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.
- **Dangerous Dog Appellate Board** means a group of five (5) people appointed persons authorized to hear appeals of dangerous dog determination.
- **Dog** means a domestic canine of either sex.
- **Domestic animal** means any animal of a tamed species commonly kept as pets and includes livestock.
- **Enclosure** means a fenced or walled area having a fence or wall height of at least six (6) feet or shorter with enclosed top suitable to prevent entry of young children and suitable to confine a dog.
- **Enforcement jurisdiction** means all unincorporated areas of Robeson County and any incorporated areas of Robeson County that enters into a written enforcement agreement with the Board of Commissioners for Robeson County.
- **Exotic or wild animal** means an animal that would ordinarily be confined to a zoo, or one that would ordinarily be found in the wilderness.
- **Impoundment** means any animal in custody of a person or animal shelter duly authorized by the Robeson County Board of Commissioners and/or Robeson County Board of Health.
- **Keeper** means a person having custody of an animal or who keeps or harbors an animal or who knowingly permits an animal to remain on or about any premises occupied or controlled by such person.
- **Muzzle** means a device constructed of strong, soft material or of metal, designed to fasten over the mouth of a dog that prevents the dog from biting any person or other animal and that does not interfere with its respiration.
- **Nuisance:** See Section 5 below.
- **Owner** means any person or legal entity that has a possessory property right in a dog, including the harbinger or keeper of a dog with the consent of the owner.
- **Owner's real property** means any real property owned or leased by the owner of the dog, but does not include any public right-of-way or common area of a condominium, apartment complex or mobile home park.
- **Potentially dangerous dog** means a dog that the person or Board designated by the Robeson County Health Department Director or his designee determines to have:
  - a) Inflicted a bite on a person that resulted in physical injury requiring professional medical treatment or resulted in broken bones or disfiguring lacerations or required cosmetic surgery; or
  - b) Killed or inflicted severe injury upon a domestic animal when not on the owner's real property; or

- c) Attacked a person or approached a person in an area of the keeper's property open and accessible to invitees, or when not on the owner's property, in a vicious or terrorizing manner in an apparent attitude of attack.
- **Provocation** means any action or activity, whether intentional or unintentional, which would be reasonably expected to cause a normal dog in similar circumstances to react in a manner similar to that shown by the evidence.
- **Restraint** means any animal shall be considered under restraint if it is within the real property limits of its owner, or secured by a leash or lead, or confined. Voice command is not recognized as adequate restraint.
- **Service Dog** refers to any dog trained to help a person who has a disability, such as visual impairment, hearing impairment, mental illness (like PTSD), seizures, mobility impairment and diabetes.
- **Severe injury** means any physical injury resulting in broken bones or disfiguring lacerations or requiring cosmetic surgery or hospitalization.
- **Sterile animal** means any animal, male or female, that had undergone a surgical procedure that renders the animal unable to reproduce.
- **Stray** means any domestic animal not wearing a tag and/or collar.
- **Vicious Dog (as defined in the 1990 Ordinance.) A vicious animal is one which on or off the property of its owner or keeper has without provocation:**
  - a) killed or caused life threatening injuries through bite(s) to a person;
  - b) bitten or caused physical harm through bite(s) to a person;
  - c) attempted to bite or cause physical harm through bite(s) to a person;
  - d) injured, maimed or killed any pet or domestic livestock;

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**Sec. 3. EFFECTIVE DATE OF ORDINANCE:**

The effective date of this ordinance shall be January 1, 2020; however, this ordinance does not apply in the following circumstances:

- A. A dog being used by a law enforcement officer to carry out the law enforcement officer's official duties;
- B. A dog being used in a lawful hunt;
- C. A dog where the injury or damage inflicted by the dog was sustained by a domestic animal while the dog was working as a hunting dog, herding dog, or predator control dog on the property of, or under control of, its owner or keeper, and the damage or injury was to a species or type of domestic animal appropriate to the work of the dog; or
- D. A dog where the injury inflicted by the dog was sustained by a person who, at the time of the injury, was committing a willful trespass or other tort, was tormenting, abusing, or assaulting the dog, had tormented, abused, or assaulted the dog, or was committing or attempting to commit a crime.

**Sec. 4. CRUELTY TO ANIMALS:**

Robeson County relies upon Article 47 of the North Carolina General Statutes that governs cruelty to animals. Enforcement of animal cruelty matters in Robeson County is by and through the Robeson County Sheriff's Office and its authorized Animal Cruelty Officer(s).

**Sec. 5. ANIMALS CREATING NUISANCE PROHIBITED:**

A. Nuisance means any act of an animal that annoys or disturbs rights and privileges common to the public or enjoyment of private property. It shall be unlawful for any person to own, keep, possess or maintain an animal in such a manner as to constitute a public nuisance or a nuisance to neighbors. The commission of a nuisance act on more than one occasion shall be evidence of a nuisance. By way of example and not of limitation, the following acts or actions of any owner, harbinger or possessor of an animal are hereby declared to be a public nuisance and are, therefore, unlawful:

Having an animal that:

1. Turns over garbage containers or removes garbage from a container.
2. Repeatedly walks on or sleeps on automobiles of another person.
3. Damages gardens, foliage or other real or personal property of another person.
4. Continuously or frequently roams or is found on the property of another person.
5. Is maintained in an unsanitary condition so as to be offensive to sight or smell.
6. Is not confined to a building or secure when in estrus (heat).
7. Chases, snaps at, attacks, or otherwise molests pedestrians, cyclists, motor vehicle passengers, farm stock or domestic animals.
8. Eliminates (defecates/urinates) on private property without the permission of the owner of the property.
9. Is diseased or dangerous to the health of the public.
10. Is housed or restrained less than five feet from a public street, road or sidewalk and, in the discretion of the animal control officer, poses a threat to the general safety, health and welfare of the general public.
11. Barks, whines, howls, crows, cackles, or causes noise in an excess, continuous or untimely fashion so as to interfere with the reasonable use and enjoyment of neighboring premises.

B. It shall be the duty of anyone reporting an alleged nuisance under this section to reveal his or her identity to Robeson County Animal Control and/or other investigating law enforcement agency; however, if requested by anyone reporting an alleged nuisance or other violation, anonymity will be preserved to the extent allowed by law.

C. Compliance and enforcement:

1. Upon receipt of a written detailed and signed complaint being made to a Robeson County Animal Control Officer by any person that a nuisance as defined in this ordinance is being maintained, the officer shall notify the owner or keeper of the animal that a complaint has been received, and shall cause the situation to be investigated and a report of findings thereon to be reduced to writing.
2. If the written findings indicate that the complaint are justified, the Animal Control Officer shall notify the owner or keeper in writing that the nuisance must be abated within 48 hours from the time of the notification.
3. Failure to timely abate the nuisance is a violation of this ordinance; and further, failure to timely abate the nuisance subjects the offending animal to seizure and impoundment. In addition to fines and court costs, all costs of impoundment shall be the sole responsibility of the owner of said animal.
- 4.—In the event the owner or keeper of the animal that is the subject of the substantiated complaint is unknown or cannot be ascertained, in the officer's discretion, the animal can be impounded and confined at the County Animal Shelter in the same manner as other impoundments.

**Sec. 6. DANGEROUS DOG DETERMINATION:**

The Robeson County Animal Control Director or his designee shall determine, upon a proper and sufficient showing, whether a dog is to be declared dangerous or potentially dangerous. Once a dog is deemed dangerous or potentially dangerous, the dog shall be impounded immediately by Animal Control. The owner shall be notified in writing, giving the reason for the determination. The owner of a dog which has been declared to be dangerous or potentially dangerous has the right to appeal the decision in the ~~matter-manner~~ set forth in this ordinance.

A dangerous dog is:

- a) A dog that without provocation has killed or inflicted severe injury on a person; or
- b) Is determined by the Animal Control Director or his designee to be potentially dangerous because the dog has engaged in one or more of the behaviors listed under potentially dangerous dogs in this ordinance as set out in Section 7 below; or
- c) Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

**NOTE WELL: The Animal Control Director shall order any dog determined to have committed any acts set out in Section (a) above or any dog meeting the criteria in Section (c) above, immediately impounded and humanely destroyed, subject to the appeal rights of the owner or keeper, as set out in Section 7 below.**

**Sec. 7. POTENTIALLY DANGEROUS DOG DETERMINATION:**

A. A dog will be determined to be potentially dangerous if the dog:

- 1. Inflicted a bite on a person that resulted in ~~physical injury requiring professional medical treatment, broken bones, disfiguring lacerations or required cosmetic surgery;~~ or
- 2. ~~\_\_\_\_\_~~ Killed or inflicted severe injury upon a domestic animal when not on the owner's real property; or
- 3. ~~\_\_\_\_\_~~ Attacked a person or approached a person in an area of the keeper's property open and accessible to invitees, or when not ~~\_\_\_\_\_~~ on the keeper's property, in a vicious or terrorizing manner in an apparent attitude of attack.

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B. Upon receipt of a substantiated report or complaint, or when he has reasonable suspicion that a dog is potentially dangerous, the Animal Control Director or his designee shall make an investigation and a determination whether or not such dog is a potentially dangerous dog. The investigation shall include the following:

- 1. A completed dangerous dog investigation report prepared by the investigator.
- 2. An interview of all known witnesses to the alleged acts.
- 3. A site visit to the location where the act(s) allegedly occurred, if reasonably necessary and/or practical.
- 4. Written documentation of the alleged damages and/or injuries resulting from the attack. This may include photographs and/or medical or veterinarian records.

5. Written documentation of any dog harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting. This may include photographs and/or medical or veterinarian records, and/or the possession of dog fighting equipment by the owner.
  6. **NOTE WELL:** A dog shall not be declared dangerous or potentially dangerous if the threat, injury, or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or was tormenting, abusing, provoking or assaulting the dog or has, in the past, been observed or reported to have tormented, abused, provoked or assaulted the dog or was committing or attempting to commit a crime.
- C. In the event an Animal Control Officer receives a report of a dog declared to be potentially dangerous ~~dog~~ being kept or confined in a way that does not adequately protect the public health or safety, he shall investigate and if the report is substantiated, he shall immediately seize the animal and impound it at the Robeson County Animal Shelter until completion of the investigation and any appeal of the decision. Any and all resulting costs of impoundment are the sole responsibility of the dog owner.

**Sec. 8. APPEAL RIGHTS, DANGEROUS DOG APPELLATE BOARD AND CONFINEMENT REQUIREMENTS:**

A determination that a dog is potentially dangerous shall be made in writing stating the facts relied upon for the determination and must be given to the owner in writing. Such notice shall also order compliance with the appropriate provisions of this ordinance and the Animal Control Officer may impose other necessary and reasonable conditions to maintain the public health and safety. The owner may appeal the determination that the subject dog is a potentially dangerous dog within three (3) days by filing written objections with the Dangerous Dog Appellate Board, whose mailing address is 460 Country Club Road, Lumberton, N.C. 28360 and whose physical location is at the Robeson County Health Department. Prior to the hearing, the owner must pay all costs incurred by Robeson County Animal Control to Animal Control resulting from picking up, confining, and treating the dog in question. The Robeson County Board of Health Director shall appoint two (2) members to this Board and the Robeson County Board of Commissioners shall appoint three (3) members to this board, for a total of five (5) of which three (3) members shall constitute a quorum for conducting a meeting. Terms shall be for two (2) years, subject to reappointment. The appointed members shall elect their chair and vice-chair. The Dangerous Dog Appellate Board shall schedule and conduct hearings within ten (10) days of the filing of the appeal. The powers and duties of the Dangerous Dog Appellate Board include hearing appeals of the determination of potentially dangerous dogs by the Animal Control Director (or his designee) and hearing appeals of the declaration of reckless dog ownership. Any appeal from the final decision of this Board finding a dog to be potentially dangerous shall be taken to the Superior Court of Robeson County by filing notice of appeal and a petition for review within ten (10) days of the final decision of the Dangerous Dog Appellate Board. The appeal shall be heard de novo before a Superior Court Judge sitting in Robeson County.

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In the event no appeal is taken by the owner from the initial dangerous dog determination, or from the same determination by the Dangerous Dog Appellate Board, or from the decision of the Superior Court affirming the determination of the Appellate Board that the dog has been legally determined to be a dangerous dog, and in the event that the dog is not in the custody of animal control during these proceedings, Animal Control shall immediately seize and impound the dog at the county animal shelter at

the owner's cost until such time that the owner satisfies any and all required conditions including, but not limited to, confinement that meets or exceeds the requirements set out in Section 12 below. The owner shall have three (3) weeks to construct such confinement facility and have it approved by Animal Control. Any dangerous dog or potentially dangerous dog that remains unclaimed by its owner after three (3) weeks or in excess of the lawful quarantine period shall be deemed abandoned and shall be disposed of in accordance with the rules and regulations of the County Animal Shelter, but only after reasonable attempts to notify the owner and/or keeper of the pending disposition of the dog.

Notwithstanding the foregoing, no person shall own a dangerous dog that has killed a person or any dog harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting, except in the care and custody of a veterinarian for the purpose of treatment or quarantine, or in the custody of the Robeson County Animal Shelter, pending disposition in accordance with the provisions of this ordinance, the written policies of the Robeson County Animal Control Department, or any court order.

It shall be unlawful for any person to interfere, to threaten or otherwise prevent an animal control officer from carrying out and performing their lawful duties under this Article.

**Sec. 9. SPAYING / NEUTERING REQUIREMENT:**

All owners, keepers or harborers of dangerous dogs or dogs declared to be potentially dangerous must within ten (10) days of such final determination spay or neuter the dog and provide proof of sterilization to the Animal Control Director or his designee.

**Sec.10. RESTRAINT REQUIRED OFF OWNER/KEEPER'S PROPERTY:**

The owner, keeper, harbinger or possessor of any dog, dangerous, potentially dangerous or not dangerous, shall keep his/her dog under restraint at all times while off the property of the owner, keeper, harbinger or possessor. Restraint is defined in the definitions section of this ordinance. It is unlawful for any owner, keeper, harbinger or possessor to permit or negligently allow any dog, including non-dangerous dogs, to run at large. Any dog that is not confined as provided in this ordinance and not under the actual physical leash control or hand control of its owner, keeper, harbinger or possessor, while off the owner's property shall be deemed to be running at large. Any dog found running at large is subject to impoundment as well as other applicable restrictions set out in this ordinance.

**Sec.11. MANDATORY REGISTRATION PERMIT AND IDENTIFICATION FOR DANGEROUS AND POTENTIALLY DANGEROUS DOGS:**

All owners, keepers, harborers or possessors of a dog declared to be dangerous or potentially dangerous must register such dog with the Robeson County Animal Control Department within five (5) days of the event that established the dog to be dangerous or potentially dangerous; further, upon registration they must obtain a dangerous dog permit and pay the \$100.00 fee for the permit. The responsible person must show that the required confinement restrictions set out in Section 14 of this Ordinance and the minimum liability insurance as set out in Section 18 of this Ordinance have been met for keeping and housing the dog; and must show that any and all other required public health and safety protective measures are in effect; and must show that the dog does not pose an unreasonable threat to the public health, safety and general welfare if said person complies with the provisions of this article and conditions of the permit.

For good cause upon a proper showing, the issuing authority can revoke a dangerous dog permit or potentially dangerous dog permit and take possession of the animal. (See Article II, Section 2 of this



Ordinance for registration information as to dogs and other animals not declared to dangerous or potentially dangerous.) All owners, keepers, harborers or possessors of a dangerous dog or potentially dangerous dog must attach a collar or harness to the animal with a current registration information identifying the animal. This registration information is in addition to the required rabies tag that dogs must wear or display. The animal must wear the collar or harness with current registration at all times. In lieu of the collar or harness with registration affixed to the dog at all times, owners at their own expense, may have a permanent registration chip implanted in the animal. No person shall remove such identification chip once it is assigned and affixed.

**Sec. 12. IMPOUNDMENT, REDEMPTION, DESTRUCTION OR ADOPTION OF NON-DANGEROUS DOGS:**

All dogs, dangerous, potentially dangerous or non-dangerous, are subject to the following provisions:

- A. Any animal which appears to be lost, stray or unwanted, or not wearing a current valid rabies vaccination tag as required by state law, may be seized, impounded, and confined in a humane manner in the County Animal Shelter.
- B. The owner or keeper of an animal impounded under this ordinance must redeem the animal and regain possession thereof within 120 hours after notice of impoundment.
- C. If an impounded animal is not redeemed within 120 hours after notice or best efforts to notify the owner or keeper, it shall become the property of the County Animal Shelter and offered for adoption in accordance the shelter rules or otherwise humanely disposed of in accordance with shelter rules.
- D. All animals must have current rabies vaccination at the time of owner pick-up unless the animal is less than four months old. It shall be the responsibility of the person obtaining this animal to obtain a rabies vaccination as soon after the animal reaches four months old as is practicable and to provide the animal shelter with proof of said vaccination. If the animal shelter administered a rabies vaccination, the owner shall be required to pay the approved fee.
- E. No animal will be adopted without first being spayed or neutered. Staff will take the animal to a veterinarian chosen by the adopter and arrange for the procedure to be done. The owner shall pick-up the animal at the veterinarian's office and pay all fees charged for said service. Staff will assist in determining if the owner is eligible for a state sponsored spay/neuter program so long as funding exists. In the event the animal is too young to be spayed/neutered, the animal will be released to the owner who is responsible for having the animal spayed/neutered at the appropriate time and to submit proof of procedure completion to the shelter.
- F. Impoundment of such an animal shall not relieve the owner or keeper thereof from any penalty which may be imposed for violation of this ordinance; further, the owner or keeper shall pay any and all costs of confinement for the animal prior to release of said animal.

**Sec.13. PRECAUTIONS AGAINST ATTACKS BY DANGEROUS AND POTENTIALLY DANGEROUS DOGS:**

- A. The person owning or having possession, charge, custody or control of a dog declared to be dangerous or potentially dangerous, at all times:
  - 1. Must confine such dog in a securely enclosed and locked pen that meets or exceeds the requirements set out in Section 14 of this Ordinance; and

2. Must not allow such dog to run at large on the owner's property; and
  3. Must not tether such dog outside its pen; and
  4. While outside of the secure pen, such dog must be appropriately muzzled and secured with a leash of no more than four (4) feet; further, such leash must be securely restrained at all times by a person who is fully able to adequately control and/or restrain the dog; and
  5. Under no circumstances take such animal, whether on a leash or otherwise, into or allow the animal to enter, any public event unless such event is exempted from this Article. Public event areas include public streets, sidewalks or any other publicly owned area adjacent to the public event. Rabies clinic and veterinarian offices are exempt from this Article.
- B. If the owner of a dangerous dog transfers ownership or possession of the dog to another person the transferring owner shall provide written notice prior to or at the time of transfer to the Animal Control Office:
1. Stating the name and address of the new owner or possessor of the dog; and
  2. Stating the dog's dangerous behavior; and
  3. Verifying that the person receiving ownership or other possession of the dog has a secure confinement facility equal to or more secure than is required in this Article prior to taking possession of the dog.
- C. Any dog which has been previously deemed to be dangerous potentially dangerous or vicious under the 1990 Ordinance and commits ~~a second offense~~ an offense resulting in a second determination of dangerous or potentially dangerous dog as determined by an authorized Animal Control Officer shall be seized and destroyed; however, the officer shall first issue an order of seizure with intent to destroy the dog and serve the same upon the owner. The owner may appeal within three (3) days as set out in Section 7 above in this ordinance.

**Sec.14. CONFINEMENT OF DANGEROUS AND POTENTIALLY DANGEROUS DOGS AND INSPECTION OF CONFINEMENT FACILITY:**

- A. Any pen, kennel or other structure used to confine a dangerous dog or a potentially dangerous dog must consist of four (4) secure sides with a height of at least six (6) feet, or if shorter it must have a secure enclosed top.
- B. All structures used to confine such dogs shall be locked with a key or combination lock during any time the animals are confined within the pen or kennel.
- C. All fencing must be a minimum of 12-gauge wire.
- D. Such pen or kennel shall have a cement bottom or floor attached to the sides of the pen or kennel; or in the alternative, each side of the pen must be embedded in the ground to a depth of no less than two (2) feet.
- E. All pens must be of appropriate square footage for the size of the dog confined therein.
- F. All pens or kennels shall adequately contain the dog and prevent escape.
- G. All pens or kennels erected to house dangerous dogs shall comply with all county zoning and building regulations.
- H. All pens or kennels shall be adequately lighted, ventilated and kept in a clean and sanitary condition.
- I. The owner shall allow an animal control officer to visit and inspect the confinement facility at any reasonable time within five (5) years of the determination to determine if the owner/keeper is complying.

- J. A dwelling house or similar structure with multiple doors and windows does not meet the confinement requirement of this Ordinance.

**Sec.15. RECKLESS DOG OWNER:**

A person convicted of a violation of this Article two or more times in any five (5) year period shall be declared a Reckless Dog Owner. The Animal Control Director shall issue a notification of the declaration of Reckless Dog Owner to such person stating the violations and convictions that led to the declaration; the description and license number of all dogs that are subject to the effects of the declaration; and instructions on appealing the declaration to the Dangerous Dog Appellate Board.

Once a final declaration of reckless dog ownership has been made, licenses of all dogs owned by the person shall be revoked and the owner must divest all ownership thereof; further, the person shall not thereafter, directly nor indirectly, own, keep, possess, maintain, care for, or harbor any dog for a period of five (5) full years from the date of the declaration: and finally, the person may not transfer ownership or any other interests in dogs subject to this declaration to any person(s) keeping, possessing, maintaining, caring for or harboring the subject dogs at the same residence as the Reckless Dog Owner.

A person declared to be a reckless dog owner may apply to the Director of Animal Control to have the declaration waived after two (2) years upon providing clear and convincing proof that ownership of a dog in the future will be handled responsibly and not in violation of any law or ordinance.

**Sec.16. "BEWARE OF DOG" SIGNS:**

All owners, keepers, harborers or possessors of dangerous dogs or dogs declared to be potentially dangerous within the County's jurisdiction shall display an easily readable sign with letters measuring no less than four (4) inches in height and two (2) inches in width displaying the words "BEWARE OF DOG" in a prominent place on their premises where anyone seeking to enter the property will see it.

**Sec.17. PENALTY FOR ATTACKS BY DANGEROUS AND/OR POTENTIALLY DANGEROUS DOGS:**

The owner of a dangerous dog or dog declared to be potentially dangerous that attacks a person and causes physical injuries requiring medical treatment in excess of one hundred dollars (\$100.00) shall be guilty of a Class 1 misdemeanor and shall be fined not more than five hundred dollars (\$500.00).

**Sec.18. DANGEROUS AND POTENTIALLY DANGEROUS DOG LIABILITY INSURANCE REQUIREMENT:**

A household, residence or property where a person owns, keeps or harbors a dangerous dog or potentially dangerous dog shall purchase and maintain a policy of liability insurance with minimum policy limits of \$100,000 per occurrence covering any personal injury or property damage caused by the dog. A copy of the certificate of insurance shall be furnished to the animal control department within ten (10) days of such determination and every twelve (12) months thereafter. The owner or keeper of such dog(s) shall sign a statement attesting that he/she shall maintain and not voluntarily cancel the liability

insurance policy during the twelve (12) month period for which a permit is given, unless he/she ceases to own or keep the dog prior to the expiration date of the permit. Each day that the required insurance coverage is not in operation constitutes a separate violation of this Article.

**Sec.19. STRICT LIABILITY:**

The owner of a dangerous dog or dog declared to be potentially dangerous shall be strictly liable in civil damages for any personal injuries or property damages the dog inflicts upon a person, the person's property or other animal.

**Sec.20. REPORTING REQUIREMENTS:**

An owner or keeper of any dog that has attacked or bitten a person or domestic animal, a victim of an attack or biting by a dog, the owner of any domestic animal that has been attacked or bitten by a dog, any person witnessing such an attack or biting, a veterinarian treating a domestic animal for such an attack or biting, or a health care professional treating a person for such an attack or biting, shall report the same to the animal control department within twenty four (24) hours after the event has occurred. Further, the owner or keeper of a dangerous dog or dog declared to be potentially dangerous shall notify Animal Control immediately if such dog escapes from its enclosure or restraint and is at large.

**Sec.21. FILING FALSE REPORTS OR FAILURE TO COOPERATE AFTER FILING COMPLAINT:**

Complainants may be charged criminally (Class 2 misdemeanor) or charged a civil penalty of up to \$250.00 dollars for filing a false report or complaint, or for willfully failing to cooperate after causing a dangerous dog investigation to be initiated, or for willfully failing to provide testimony at any dangerous dog appeal hearing that results from the investigation caused by the complainant.

**Sec.22. VIOLATIONS AND PENALTIES:**

Any person violating or permitting the violation of any provision of this section shall be subject to all enforcement remedies as provided by G.S. 153A-123 and G.S.14-4.

**Sec. 23. APPREHENSION AND/OR EUTHANIZATION OF WILD DOGS:**

If the Animal Control Director or his designee determines that a dog or dogs are running wild; and such dogs are feral and do not have an owner, keeper or custodian; and such dogs do not appear to have been vaccinated for rabies; and such dogs are substantially interfering with the use and enjoyment of property or the conduct of business, or are harassing or threatening persons; and that such dogs cannot after extraordinary effort be apprehended, then the director shall be authorized to cause deadly force to be used to humanely euthanize said dogs, but only after repeated efforts to apprehend such dogs through use of traps, baited food, and/or tranquilizer darts have been ineffective.

**Sec.24. REGULATION OF THE NUMBER OF DOGS WHICH MAY BE KEPT ON CERTAIN PREMISES:**

A. No more than three (3) dogs more than five months of age shall be owned, possessed, kept, harbored, or maintained at any premises located in any area with a zoning classification for single-family lots (R-1 residential single-family zone as set out in the Code of Ordinances for Robeson County); however, owners, possessors, or keepers of dogs used to hunt wild game are exempt from this limiting regulation.

- B. No more than two (2) dogs more than five months of age shall be owned, possessed, kept, harbored, or maintained at any premises used as multi-family residential housing or at any mobile home park, regardless of zoning classification.
- C. This section shall not be construed to limit the right of any landlord to impose more restrictive limits on the number of dogs and/or cats which may be possessed at any leased premises.
- D. All dogs which have been listed with the Robeson County Tax Administrator for an annual Robeson County privilege license for the calendar year 2019 only by the date this Article becomes effective shall be exempt from this section.

**Sec.25. RELATION TO HUNTING DOGS:**

Nothing in the ordinance is intended to be in conflict with the laws of the State of North Carolina regulating, restricting, authorizing or otherwise affecting dogs while used in hunting; however, this exception applies only while the dogs are under the control of the owner, keeper, or other competent person, and are actually lawfully being used for hunting or training for hunting in compliance with applicable statutes, regulations, or ordinances.

**Sec.26. SEVERABILITY:**

The provisions of this ordinance are declared to be severable. If any section, sentence, clause, or phrase of the ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance. They shall remain in effect. It is the legislative intent that this ordinance shall remain in full force and effect notwithstanding the invalidity of any part.

**ARTICLE II**

**ROBESON COUNTY ANIMAL CONTROL ORDINANCE**

**Sec. 1. PURPOSE**

Article II of the Robeson County Animal Control Ordinance is enacted for the following reasons:

1. To promote responsible pet ownership;
2. To further enhance the rabies vaccination requirement in Robeson County;
3. To assist in determining dog ownership in the event of attacks and/or property damage;
4. To promote spaying and neutering of unaltered cats and dogs; and
5. To promote programs and services offered by the Robeson County Animal Control Department.

**Sec 2. LICENSE FOR CATS AND DOGS**

In order to carry out the intent of this ordinance and to further the goals set out in Article II above, Robeson County hereby enacts a registration and license fee for the privilege to own and keep cats and dogs in Robeson County.

1. All Robeson County residents owning, keeping, possessing or having under his/her control any cats or dogs, or any combination thereof, over four (4) months of age, must obtain an annual privilege license for each such animal from the Robeson County Animal Control Department; however, the maximum number of dogs and/or cats assessed per owner, keeper or possessor shall be any combination of five (5) dogs or cats.
2. The annual privilege license fee is \$10.00 per cat or dog. Residents of Robeson County who are 65 years of age or older are allowed two (2) registration exemptions per year, also owners of recognized service dogs are allowed one exemption per year; however, all applicants for fee waiver must apply to the Animal Control Department for exemption. Owners who receive fee waivers are required to obtain the appropriate identifying tag (without cost) that must be worn by their dogs.
3. The annual fee shall be paid by July 1, 2020 and by July 1 of each year thereafter.
4. Upon payment of the annual privilege fee, the Animal Control Department will issue an identifying tag that must be fixed to the animal's collar and worn by the animal at all times.
5. In the event of ownership of more than any combination of five (5) dogs or cats, the annual privilege license fee shall be waived for the additional dogs or cats. Upon payment of five license fees, additional tags will be issued without cost.

This ordinance was originally adopted by the Robeson County Board of Commissioners on December 2, 2019, ~~after a stand-alone public hearing was held on October 5, 2019.~~ The effective date for enforcement is January 1, ~~2019~~2020. ~~The amendments to this ordinance are effective February~~ \_\_\_\_\_, 2021.

— This the \_\_\_\_\_ day of ~~December~~February, ~~2019~~2021.

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Chairman  
Board Chair

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Robeson County

Board of Commissioners

**ATTESTED TO BY:**

Tamala Freeman, Clerk  
Robeson County Board of Commissioners