

Mebane City Ordinance Sec. 4.76

Sec. 4-76. - Dangerous Dogs

(a) **Dangerous Dog:** A Dangerous Dog is a Dog that:

1. Without provocation, has killed or inflicted severe injury on a person;
2. Is determined by the person or Board designated by the county or municipal Animal Control Authority, or pursuant to *NCGS 130A-200* local health director, 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 or,
3. Any dog owned or harbored primarily, or in part, for the purpose of dog fighting, or any dog trained for dog fighting. (*NCGS 67- 4.1*)

(b) **Potentially Dangerous Dog:** A dog that the municipal Animal Control Authority responsible for animal control, or pursuant to *NCGS 130A-200* local health director, determines to have:

1. Inflicted a bite on a person that resulted in broken bones, disfiguring lacerations, or required cosmetic surgery or hospitalization; or,
2. Killed or inflicted severe injury upon a domestic animal when not on the owner's real property; or,
3. Approached a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack. (*NCGS 67- 4.1*)

(c) **Owner:**

1. Any person or legal entity that has a property right in a dog. (*NCGS 67- 4.1*)

(d) **Owner's Real Property:**

1. Any real property owned or leased by the owner of the dog, but not including any public right-of-way or a common area of a condominium, apartment complex, or townhouse development. (*NCGS 67- 4.1*)

(e) **Severe Injury:**

1. Any physical injury that results in broken bones, disfiguring lacerations, or required cosmetic surgery or hospitalization. (*NCGS 67- 4.1*)

(f) **Exemptions:** The provisions of this Article do not apply to:

1. A dog being used by a law enforcement officer to carry out the law enforcement officer's official duties.
2. A dog being used in a lawful hunt.
3. 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 the control of, its owner.
4. 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. (*NCGS 67- 4.1*)

(g) It is unlawful for an owner to:

1. Leave a dangerous dog unattended on the owner's real property unless the dog is confined indoors, in a securely enclosed and locked pen, or in another structure designed to restrain the dog. Animal control officers as part of an investigation, may inspect the premises where a dog determined to be dangerous is kept if;
 - i. the animal control officer receives consent of the property owner
 - ii. probable cause is developed authorizing an investigatory search; or
 - iii. exigent circumstances exist that necessitate the search.
2. Permit a dangerous dog to go beyond the owner's real property unless the dog is leashed and muzzled or is otherwise securely restrained and muzzled. (*NCGS 67- 4. 2*)
3. Allow a dog that has been determined to be dangerous to be disposed of by adoption from the animal shelter without notifying the animal shelter that the dog has been determined a dangerous dog under the provisions of this ordinance. (*NCGS 67- 4.1*)
4. If the owner of a dangerous dog or a potentially dangerous dog, as defined in this ordinance and NCGS 67-4.1, transfers ownership or possession of the dog to another person, the owner shall provide written notice to:
 - i. The chief of police, stating the name and address of the owner of the dog; and
 - ii. The person taking possession of the dog, specifying the dog's dangerous behavior and the chief of police's determination. (*NCGS 67- 4.2*)

(h) Animal Control Authority Responsibilities:

The Municipal authority responsible for animal control shall designate the Chief of Police to be responsible for determining when a dog is a "potentially dangerous dog," as defined by this ordinance and NCGS 67-4.1, and shall designate a separate Board to hear any appeal.

2. The chief of police must notify the owner in writing, giving the reasons for their determination, that a dog is a "potentially dangerous dog," as defined in this ordinance and NCGS 67-4.1 before the dog may be considered potentially dangerous under this section. The owner may appeal the determination of the chief of police to the review board by giving written notice of the appeal within 10 days of the chief of police's determination to the chief of police. The dog will be considered potentially dangerous pending the appeal. (*NCGS 67- 4.1 & NCGS 67- 4.2*)

(i) Owners Notification Requirements:

1. Owners of potentially dangerous dogs, as defined in this ordinance and NCGS 67-4.1, must immediately notify the Animal Control Authority of any incidents involving bites, attacks, or aggressive behavior, as well as any changes in the dog's status, including relocation, transfer of ownership, or death.
2. Owners of potentially dangerous dogs, as defined in this ordinance and NCGS 67-4.1, are required to have their dogs undergo behavioral assessments by a certified animal behaviorist. Participation in rehabilitation programs is required to mitigate aggressive tendencies. (*NCGS 67- 4.1 & NCGS 67- 4.2*)

(j) Confinement Requirements:

1. Dangerous dogs must be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the animal from escaping. Such pen or structure must have secure sides and a secure top and must also provide protection from the elements for the dog. Confinement of any animal must comply with the provisions of **NCGS 19-A Protection of Animals**. (*NCGS 19-A, NCGS 67- 4.2 , NCGS 130A-196, & NCGS 130A-200*)

(k) Penalties and Enforcement:

1. **Criminal Penalties:** Per the provisions of *NCGS 15A-123*, the owner of a dangerous dog 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. (*NCGS 67- 4.3 & NCGS 15A-123*)
2. **Civil Penalties:** Per the provisions of *NCGS 15A-123*, the owner of a dangerous dog as defined by this ordinance, and *NCGS 67-4.1*, shall be strictly liable in civil damages for any injuries or property damage the dog inflicts upon a person, his property, or another animal. For the purposes of this ordinance, “Owners” who fail to comply with the provisions of this ordinance will be subject to civil fines per NCGS 14-4. *The Mebane NC Criminal Penalty Listing* and provisions of Code 1-6 (b) “General Penalty” guidelines will be used in cases of non-payment for civil penalties of this ordinance. . (*NCGS 67- 4.3 & NCGS 15A-123*)
3. *The Mebane NC Criminal Penalty Listing* and provisions of *NCGS 14-4 (a)* will be the determining guide for criminal fines. (*NCGS 15A- 123*)

(l) Authority to Remove or Humanely Euthanize Dogs:

1. **Authority to Remove:** Per the provisions of *NCGS 67-4.1* and *NC Animal Welfare Act Article 3 NCGS 19A-3*; the Animal Control Authority have the authority to remove any dangerous dog, as defined by this ordinance and *NCGS 67-4.1*, that poses a continuing threat to public safety. Dogs removed under these circumstances may be subject to relocation for behavior rehabilitation outside the city limits, adoption outside the city limits, or euthanasia if deemed necessary by the Animal Control Authority.
2. **Authority to Euthanize:** Per the provisions of *NCGS 67-4.1* and *NC Animal Welfare Act Article 3 NCGS 19A-3*; The chief of police may seek a court order for a dog that has been determined to be dangerous as defined by this ordinance to be humanely destroyed. (*NCGS 67-4.1& NC Animal Welfare Act Article 3 NCGS 19A-3*)

(m) Appeals and Hearings:

1. Owners have the right to appeal the classification of their dog as dangerous. Appeals must be submitted in writing to the Animal Control Authority within 10 days of receiving the dangerous dog designation notice. (*NCGS 67-4.1*)

(n) Review Board:

1. Appeals will be reviewed by a Board, comprised of the local animal shelter director, or designee, the chief of police or designee, and a committee member with preference

for veterinary science backgrounds approved by city council to oversee appeals and ensure compliance with this ordinance. (***NCGS 67-4.1 provides authority to create the board, however, adding preference for veterinary science skilled committee member would be a benefit to the board.***)

(o) Animal Control Agency:

1. The Mebane Police Department is designated as the Animal Control Agency responsible for enforcing this ordinance.

(p) Leash Requirements:

1. It is unlawful for any owner or person in control of a dog to allow it to be in any public area except enclosed dog parks, unless it is restrained by a leash. This provision applies to all dogs, regardless of whether they have been designated as dangerous or potentially dangerous under this ordinance. (NCGS 67-4.2)