

**AN ORDINANCE TO AMEND CHAPTER 4: ANIMALS, SECTION 4-1, DEFINITIONS;
SECTION 4-2, PENALTY; SECTION 4-7, VICIOUS ANIMALS; SECTION 4-9,
IMPOUNDING; SECTION 4-16, DETERMINATION OF A POTENTIALLY
DANGEROUS DOG; SECTION 4-17, OWNER RESPONSIBLE FOR CARE,
ACTIONS, AND BEHAVIOR OF HIS OR HER ANIMALS; SECTION 4-18, RUNNING
AT LARGE PROHIBITED WITHIN OCRACOE ISLAND; AND SECTION 4-19,
ACTIONS BY PRIVATE CITIZENS, OF THE CODE OF ORDINANCES OF THE
COUNTY OF HYDE, NORTH CAROLINA**

BE IT ORDAINED by the Board of Commissioners of the County of Hyde, North Carolina.

Section 1. That Chapter 4: Animals, Section 4-1, Definitions, of the Code of Ordinances of the County of Hyde is hereby amended by adding the following definitions of *Premises*, *Under restraint*, *At large*, *Dangerous dog*, and *Unprovoked attack* and deleting the definition of *Vicious animal*.

Premises means land and buildings.

Under restraint means an animal that is:

- (a) Controlled by means of a chain or other like device;
- (b) Controlled by means of a leash under the supervision of an individual physically able to control the animal;
- (c) On or within a vehicle being driven or parked;
- (d) Within a secure enclosure which prevents the animal from injuring persons or running at large; or
- (e) Within the dwelling house of the owner.

At large means an animal that is off of the property of the animal's owner and not under the control of the owner either by leash, cord, chain, fence, or other means of restraint or otherwise not under restraint. Dogs are not considered to be *AT LARGE* when they are assisting persons who are lawfully hunting.

Dangerous dog means, in addition to or as a supplement to the definition contained in G.S. – 4.1 as may be amended, an unprovoked dog that does bodily harm to a person on public or private property, a dog that is owned primarily or in part for the purpose of dog fighting, a dog that is trained for dog fighting, or a dog that has killed or inflicted severe injury upon a domestic animal when not on the real property of the owner of the dog.

Unprovoked attack means when a dog attacks, bites, or inflicts injury upon a person or domestic animal without being teased, molested, provoked, beaten, tortured, or otherwise harmed.

Section 2. That Chapter 4: Animals, Section 4-2, Penalty, of the Code of Ordinances of the County of Hyde is hereby deleted in its entirety and replaced with the following:

Any owner, as defined in section 4-1, who violates any provision of this Chapter, shall be guilty of a Class 3 misdemeanor as provided in G.S. 14-4 (a) and shall be fined not less than \$50 nor more than \$500, nor imprisoned for more than 20 days, at the court's discretion.

Section 3. That Chapter 4: Animals, Section 4-7. - Vicious Animals, of the Code of Ordinances of the County of Hyde is hereby amended to Chapter 4: Animals, Section 4-7.- Dangerous Dogs with the following revisions:

Dangerous Dogs.

In addition to or as a supplement to the unlawful prohibitions contained in G.S. – 4.2 as may be amended, it shall be unlawful for any owner to permit his dog to run at large if such dog is dangerous or has in the past been deemed dangerous or potentially dangerous by the Sheriff or animal control officer. In such cases, the owner of such dog, shall not permit such dog to leave the premises on which it is kept, unless it is on a leash and in the care of a responsible person. In the event of injuries caused by the dog, the dog's owner shall be liable as provided by law.

Section 4. That Chapter 4: Animals, Section 4-9. – Impounding, of the Code of Ordinances of the County of Hyde is hereby amended as follows:

Any animal which appears to be lost, strayed, unwanted or has been designated as dangerous, potentially dangerous, or a public nuisance and found running at large shall be confined in the animal shelter in a humane manner for a period of no less than five working days (excluding Saturdays, Sundays and holidays) for redemption by the owner.

Section 5. That Chapter 4: Animals, Section 4-16. - Determination of a potentially dangerous dog, of the Code of Ordinances of the County of Hyde is hereby amended as follows:

- (a) The county sheriff or a county deputy sheriff is hereby designated as the person responsible for determining when a dog is a "dangerous dog" or a "potentially dangerous dog" as defined herein or in G.S. 67-4.1 as may be amended.
- (b) The Animal Control Hearing Board composed of the Chair of the Hyde County Board of Commissioners, a member of the Hyde County Board of Health, and the Hyde County Health Director is hereby designated as the authority to hear any appeal from a determination made as to whether a dog is a dangerous dog or a potentially dangerous dog.
- (c) It shall be a violation of this Chapter for any dog, cat, or other animal running at large off its owner's property to bite any person so as to break such person's skin. A first offense shall subject such owner or keeper to a civil penalty of \$250 and result in the animal being declared dangerous. A second offense shall subject such owner or keeper to a civil penalty of \$500 and result in the animal being euthanized.

Section 6. That Chapter 4: Animals, of the Code of Ordinances of the County of Hyde is hereby amended by adding Section 4-17, Owner Responsible for Care, Actions, and Behavior of His or Her Animals:

The owner is responsible for the care, actions and behavior of his or her animals.

Section 7. That Chapter 4: Animals, of the Code of Ordinances of the County of Hyde is hereby amended by adding Section 4-18, Running at Large Prohibited within Ocracoke Island:

- (a) It shall be unlawful for any owner of a dog to intentionally, negligently or otherwise allow or permit their dog to run at large in the area of prohibition.
- (b) Any dog that is not confined or under restraint as provided in this Chapter and/or not under the actual physical control or restraint of its owner shall be presumed to be running at large. The animal control officer may impound such dog at the animal shelter.
- (c) For the purposes of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning:

AREA OF PROHIBITION: That part of Ocracoke Island outside the boundaries of Cape Hatteras National Seashore, including streams, creeks, ponds, harbors and the Pamlico Sound within one half mile of shore, as shown on the map which is adopted as a part of this Chapter and which shall be identified as the "Ocracoke Development Ordinance Map" is designated as the area of prohibition. This section shall apply only within such area.

Section 8. That Chapter 4: Animals, of the Code of Ordinances of the County of Hyde is hereby amended by adding Section 4-19, Actions by Private Citizens:

Nothing in this Chapter shall prevent a private citizen from bringing an action against the owner of an animal which has caused injury to the private citizen or his property, for damages or any other loss resulting from an animal being at large.

Section 9. This Ordinance shall become effective upon its adoption.

Section 10. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

ADOPTED this the 6th day of September, 2023.



Earl Pugh Jr., Chair

Hyde County Board of Commissioners

ATTEST:



Richard Mann, Clerk to the Board

