

Cherokee County, North Carolina Policy for Dangerous Dogs

It shall be the policy of Cherokee County to follow North Carolina General Statute Chapter 67, Article 1A, as may be amended, for the designation of dangerous dogs and potentially dangerous dogs within the confines of Cherokee County. Previous policies are hereby revoked and are null and void.

Pursuant to NCGS 67-4.1(C) the Cherokee County Board of Commissioners does hereby designate the animal control officer as may be appointed by the Sheriff of Cherokee County as the person responsible for determining when a dog is a "potentially dangerous dog" as defined in NCGS 67-4.1(a).

Pursuant to NCGS 67-4.1(C) the Cherokee County Board of Commissioners does hereby appoint the following persons to serve on the Appellate Board for determination of when a dog is a "potentially dangerous dog":

1. The Cherokee County Health Director
2. The Cherokee County Board of Commissioners representative (ex officio) on the Cherokee County Board of Health.
3. The County Manger or his/her designee

-All 3 members of the Appellate Board must be present (either in person or by electronic communication) to constitute a quorum.

-Hearings shall be *de novo*, with the animal control officer bearing the burden of proof.

-The standard of proof shall be a preponderance of the evidence.

-The Appellate Board shall rule by a simple majority vote.

- Admissibility of evidence shall be determined by the County Attorney who shall serve as clerk and moderator to the Appellate Board.

- The **County Attorney acting as** clerk/moderator to the Appellate Board may summarily deny the appeal, without hearing, for failure of the owner [as defined in NCGS 67-4.1(a)(3)] to properly appeal the determination by the animal control officer as set out in NCGS 67-4.1(c) and shall provide notice of such denial in accordance with NCGS 67-4.1(c).

-SHOWING OF PROBABLE CAUSE- The animal control officer shall submit to the County Attorney, by and through the Clerk to the Cherokee County Board of Commissioners, the letter of declaration of a dangerous dog or potentially dangerous dog sent to the owner with a certificate of service for the owner of the dog. The animal control officer shall submit accompanying documentation with each letter to establish probable cause for such declaration. If any declaration is timely appealed by the owner of the dog, the County Attorney shall determine if probable cause exists before scheduling a hearing. The County Attorney shall, in his/her discretion dismiss and revoke in writing the declaration of the animal control officer if the County Attorney finds that there is no probable cause for the declaration, and/or that the declaration falls under the provisions of NCGS 67-4.(b). The County Attorney is authorized to make such inquiry as he/she deems necessary in making any finding(s) authorized herein. If the County Attorney finds that probable cause exists, the County Attorney shall inform the Clerk

to the Board of Commissioners to schedule an appeal hearing in accordance with NCGS 67-4.1(c).

- Formal rules of evidence shall not apply. Evidence may be presented by written affidavit, testimony, illustrative evidence or any other form of trustworthy evidence as may be admitted by the clerk to the Appellate Board. Board members may question witnesses. The clerk/ moderator shall not participate in any presentation or solicitation of evidence **at the hearing** and shall not participate in the deliberations of the Appellate Board except to answer questions of law. The Appellant is not required to be present at the hearing.
- Hearings and deliberations of the Appellate Board shall be open to the public.
- The Board shall render its final decision in writing within 10 business days of the hearing. Notice of the decision of the Appellate Board shall be in accordance with NCGS 67-4.1(c).

This policy shall defer to the laws of the State of North Carolina. Invalidity or unconstitutionality of any section of this policy shall not invalidate any other sections of this policy.

Further actions regarding dangerous and/or potentially dangerous dogs shall be conducted only in accordance with State law and ordinances adopted by the Cherokee County Board of Commissioners.

This policy shall be effective upon adoption by the Cherokee County Board of Commissioners.

Adopted the 17th day of February, 2025.