

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 or his/her designee
2. The Cherokee County Board of Commissioners representative (ex officio) on the Cherokee County Board of Health or his/her other Board of Health member designee
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 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).

- 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 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.

Unanimously adopted by the Cherokee County Board of Commissioners this 10th day of August, 2020.