

Dog Law

I. Strict Liability

In North Carolina law, there are certain circumstances under which a dog owner is held strictly liable for damage caused by his dog. For example, an owner will be responsible for civil damages for the destruction of livestock or fowl off of the dog owner's premises (plus the costs of the suit). A dog owner would also be liable for damages to a person, his property or another animal caused by a dangerous dog (as defined in the statute) on or off of the owner's property. Also, a dog owner is strictly liable, and guilty of a Class 3 misdemeanor, for damages caused by a dog over six months of age who is running at large at night, unless he is accompanied by his owner, a member of the owner's family or someone who has the owner's permission to care for the dog.

II. Dogs Which May Be Killed

In general, no one is authorized to kill or injure a dog, even if it is a trespasser. However, North Carolina law provides some exceptions to the general rule and allows the killing of any dog believed to be mad (rabid) or any dog which has killed humans, sheep, cattle, hogs, goats or poultry (after evidence has been presented in court and the owner has been notified). Also, an agent or employee of the Wildlife Resources Commission may kill any dog running at large in a wildlife refuge, sanctuary, or management area. Finally, the law allows the killing of any dog whose destruction is authorized by county or city ordinance.

One need not wait for a dog to kill one's livestock or poultry in order to kill the dog. An owner of livestock or poultry may always defend the livestock or poultry if they are under attack.

III. Criminal Liability

It is a crime for any owner who allows a bitch to run at large when it is in heat. Any owner who fails to kill a dog which has killed domestic livestock or a human and who allows the dog to roam at liberty commits a Class 3 misdemeanor. Also, the failure by anyone to kill a dog believed to be mad is a Class 3 misdemeanor as is leaving a dangerous dog unattended on the owner's real property unless it is kept indoors or in an enclosed and locked pen. Another crime is transferring possession or ownership of a dangerous dog to another without providing written notice (1) to the authorities that determined the dog to be dangerous and (2) to the one taking possession or ownership of the dog. It is a Class 1 misdemeanor for the owner of a dangerous dog that attacks a person with resulting personal injuries exceeding \$100 of medical costs.

IV. Dangerous Dog

A dangerous dog is legally defined as any dog (1) which has killed or inflicted severe injury on a person, (2) any dog kept primarily for dog fighting or trained for dog fighting, or (3) any dog determined to be dangerous by a county or municipal animal control officer or Board.

Livestock

Under North Carolina law, it is a Class 3 misdemeanor to permit livestock to run at large. In order to be guilty under this statute, the owner must consent or be willing for the animal to be at large or he must be negligent in allowing such. The owner is not presumed to permit his animal to run at large just because the animal does so.

Anyone may impound livestock found running at large. If he does so, he is entitled to be reimbursed by the owner for reasonable costs incurred in impounding the animal, including the cost of a reasonable search for the owner. The impounder can retain the animal until the costs are recovered, but he must give food and water to the animal during such time. Where the owner of impounded livestock is known the impounder must immediately make a demand upon the owner. Where the owner is unknown, the impounder must give notice to the register of deeds who shall publish a notice of impoundment upon the courthouse door for 30 days. Publication of notice in a newspaper of general distribution is also required. Livestock not claimed may be sold at public auction.

It is a Class 3 misdemeanor to allow domestic fowls to run at large on the lands of another which are under cultivation for grain or feedstuff or while used for gardens or ornamental purposes, after having received notice of such. After three days notice, if the owner has not reclaimed them, the fowls may be killed by the sheriff.

An owner is liable for injuries or damages caused by his livestock when they are trespassing on the lands of another only if the animals are at large with his knowledge and consent or if their escape is due to his negligence. He has a legal duty to exercise ordinary care and the foresight of a prudent person in restraining his animals onto his property. Even though there is no presumption of knowledge or negligence when an animal gets loose from his owner, these may be inferred if the animal is repeatedly found at large.

Concerning livestock on the owner's property, the owner is presumed to know the general propensities of certain animals, even if his particular animal has not performed dangerous or vicious acts. He must exercise due care to prevent injury from reasonably anticipated conduct. For example, the owner has a duty to restrain his animal, if that

breed of animal has general propensity towards viciousness, when he knows of visitors to his property.

Fence in and fence out states. North Carolina is a 'fence in' state which means that it is the duty of the owner of livestock or poultry to keep the same confined within adequate fences. Some western states have free range which means that animals are allowed to roam and it is the duty of one who does not want the animals on their land to fence those animals out.