

Carolina County, North Carolina

Animal Services

June 20, 2016

Aimee Wall
100 Beach Road
Sunspre, NC 28461

Dear Ms. Wall:

Animal Services is hereby notifying you that your dog, "Ziggy," an adult male, white and brown Shih Tzu has been found to be Potentially Dangerous pursuant to N.C. General Statute § 67-4.1. This notice explains the reason for the determination and describes your legal obligations related to Willow.

Potentially Dangerous Dog Determination

Our investigation has shown sufficient evidence to prove that the dog described above, while being off your property, approached a person in a vicious or terrorizing manner in an apparent attitude of attack. The determination is based on an incident reported on June 17, 2016 at 102 Beach Road, Sunspre, NC. According to the report we received, Ziggy left your property, approached the victim while barking, and chased the victim into his home. Under state law, this behavior can be the basis for determining that a dog is potentially dangerous. See N.C.G.S. 4.1(a)(2).

Legal Duties

As the owner of a dog that has been declared potentially dangerous, state law requires that you comply with the following:

- On your property: When the dog is on your property, it must be kept indoors or in a securely enclosed and locked pen or another structure designed to restrain the dog.
- Off your property: When the dog is off your property, it must be leashed and muzzled (or otherwise securely restrained and muzzled).
- Future transfers: If you transfer ownership or possession of the dog to another person, you must provide:
 - Written notice to the person taking ownership or possession about the dog's dangerous behavior and the determination that the dog is potentially dangerous, and
 - Written notice to Carolina County Animal Services stating the name and address of the new owner or possessor.

In addition, Carolina County Ordinance (Sections 4-101 to 103) requires that you comply with the following:

- Provide written notice to Animal Services within 3 days of any change of address.
- Immediately contact Animal Services if the dog escapes.
- Prominently display one or more "Dangerous Dog" warning signs on your property.

- Have the dog microchipped within 30 days following the final determination and supply Animal Services with the microchip number.

If you fail to comply with these requirements, you could be charged with a crime or fined. In addition, the owner of a potentially dangerous dog will be held strictly liable in civil damages for any injuries or property damage the dog may cause.

Appeal Rights

You may appeal this determination by filing a written objection with the Appellate Board. The written objection must be received within 3 days of receiving this notice. Objections should be sent to:

Director, Animal Services
2500 Laney Road
Sunspreet, NC 28461
Animalservices1@carolinacountync.gov

After receiving an objection, the Appellate Board will schedule a hearing within 10 days.

Respectfully,

Fiona Maddux
Director, Carolina County Animal Services

Enclosures:

- State law
- Ordinances
- Incident report

STATE LAW

Article 1A.

Dangerous Dogs.

§ 67-4.1. Definitions and procedures.

(a) As used in this Article, unless the context clearly requires otherwise and except as modified in subsection (b) of this section, the term:

(1) "Dangerous dog" means

a. A dog that:

1. Without provocation has killed or inflicted severe injury on a person; or
2. Is determined by the person or Board designated by the county or municipal authority 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.

b. Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

(2) "Potentially dangerous dog" means a dog that the person or Board designated by the county or municipal authority responsible for animal control determines to have:

- a. Inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization; or
- b. Killed or inflicted severe injury upon a domestic animal when not on the owner's real property; or
- c. Approached a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack.

(3) "Owner" means any person or legal entity that has a possessory property right in a dog.

(4) "Owner's real property" means any real property owned or leased by the owner of the dog, but does not include any public right-of-way or a common area of a condominium, apartment complex, or townhouse development.

(5) "Severe injury" means any physical injury that results in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization.

(b) 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 or keeper, and the damage or injury was to a species or type of domestic animal appropriate to the work of the dog; or

- (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.

(c) The county or municipal authority responsible for animal control shall designate a person or a Board to be responsible for determining when a dog is a "potentially dangerous dog" and shall designate a separate Board to hear any appeal. The person or Board making the determination that a dog is a "potentially dangerous dog" must notify the owner in writing, giving the reasons for the determination, before the dog may be considered potentially dangerous under this Article. The owner may appeal the determination by filing written objections with the appellate Board within three days. The appellate Board shall schedule a hearing within 10 days of the filing of the objections. Any appeal from the final decision of such appellate Board shall be taken to the superior court by filing notice of appeal and a petition for review within 10 days of the final decision of the appellate Board. Appeals from rulings of the appellate Board shall be heard in the superior court division. The appeal shall be heard de novo before a superior court judge sitting in the county in which the appellate Board whose ruling is being appealed is located.

§ 67-4.2. Precautions against attacks by dangerous dogs.

- (a) 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;
 - (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.
- (b) If the owner of a dangerous dog transfers ownership or possession of the dog to another person (as defined in G.S. 12-3(6)), the owner shall provide written notice to:
 - (1) The authority that made the determination under this Article, stating the name and address of the new owner or possessor of the dog; and
 - (2) The person taking ownership or possession of the dog, specifying the dog's dangerous behavior and the authority's determination.
- (c) Violation of this section is a Class 3 misdemeanor.

§ 67-4.3. Penalty for attacks by dangerous dogs.

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.

§ 67-4.4. Strict liability.

The owner of a dangerous dog shall be strictly liable in civil damages for any injuries or property damage the dog inflicts upon a person, his property, or another animal.

§ 67-4.5. Local ordinances.

Nothing in this Article shall be construed to prevent a city or county from adopting or enforcing its own program for control of dangerous dogs.

CAROLINA COUNTY ORDINANCE

Sec. 4-101. - Confinement and restraint of dangerous or potentially dangerous dogs.

- (a) It is unlawful for an owner or caregiver of a dangerous dog or potentially dangerous dog to violate the confinement requirements G.S. 67-4.2.
- (b) The animal services director (director) or his/her designee may inspect all secure enclosures.
- (c) The owner or caregiver of a dangerous or potentially dangerous dog shall provide written notice to the director or his/her designee within three days of any change in address.
- (d) The owner or caregiver of a dangerous or potentially dangerous dog shall notify the director or his/her designee immediately if the dog escapes or is otherwise freed from the secure enclosure or other restraint.
- (e) The owner of a dangerous or potentially dangerous dog shall display sign(s) warning that there is a dangerous dog on the property. The sign(s) shall be conspicuously placed clearly visible from the public right-of-way or property line at an actual or customary point of entry into the premises.

Sec. 4-102. - Transfer of ownership.

The owner of a dog that has been declared dangerous or potentially dangerous shall immediately comply with the requirements of G.S. 67-4.2 concerning transfer of ownership.

Sec. 4-103. - Microchip requirements for dangerous/potentially dangerous dogs.

All dogs declared dangerous or potentially dangerous pursuant to this article must be permanently identified by a microchip implanted under the dog's skin within 30 days following the final determination of dangerousness and any appeal period allowed by state law. The owner shall supply animal services with the microchip number immediately for their records.

ANIMAL INCIDENT REPORT

Date: 6/17/2016

Clerk: MTJ

Priority level: 3

Incident address: 102 Beach Road

Incident date: 6/17/2016

Reporter name: Mike Cox

Reporter contact information: 252-867-5309; mrcox@aol.com

Narrative Report:

Received complaint from Mr. Cox in reference to an incident that occurred at 102 Beach Road. Mr. Cox stated he was working in his yard at the same time his neighbor, Ms. Wall, was working in her yard. Ms. Wall's dog, Ziggy, was outside with her. Ziggy was not on a leash but was sitting next to Ms. Wall in the grass. Mr. Cox stated that he was having a friendly conversation with Ms. Wall about politics when Ziggy hopped up and barked a little. Mr. Cox stated that he stretched out his hand to let Ziggy smell him and then he was planning to pet Ziggy. Ziggy smelled his hand and then started barking excitedly. Mr. Cox stated that he pulled his hand back but the dog kept barking and was now jumping up and down. Mr. Cox remembered that he had been eating some beef jerky and thought that perhaps he had a strong smell that upset the dog. Mr. Cox stated that he jumped up quickly and started backing away from Ziggy. He said Ziggy came into his yard and was still barking. He said the then turned around and started running for the front door of his house. He said Ziggy chased him all the way to the front door and stayed outside barking for at least another 15-30 seconds.

Response:

Officer Ferrell visited the Mr. Cox and reviewed his complaint. Officer Ferrell then visited Ms. Wall's house, explained that a complaint had been filed, and asked her for her statement. She explained that she was working in her yard with her dog Ziggy by her side when Mr. Cox summoned the dog to his yard. She said she thought Mr. Cox must have had a treat for Ziggy because he sometimes gives her little treats. She stated that she was not looking at Mr. Cox because she was digging out some weeds but then she said she looked up when she heard Ziggy barking. She said that was unusual. She stated that she saw Ziggy run up onto Mr. Cox's porch and then she called the dog back. She said Ziggy napped in the yard beside her for the rest of the morning.

According to NCGS 67-4.1, this incident meets the statutory requirements for a potentially dangerous dog because Ziggy "approached a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack."

Pet Insights, Inc.
Meredith L. Julian, CPDT – KA
456 Lane Road
Sunspree, NC

June 24, 2016

Dear Ms. Wall:

Upon your request, with regard to a Potentially Dangerous Dog complaint issued against your dog “Ziggy” I have completed an evaluation of said dog at your house on June 22, 2016.

Following are my findings:

- Upon initial sight of me, Ziggy greeted me at the door and was very warm and friendly. He barked happily but did not growl.
- I observed Ziggy in the living room. He was relaxed and fell asleep in his bed.
- After some time, I woke him up and then proceeded to give him treats. He was very interested in food and tried to lick my hand after I gave him a treat.
- I rubbed some treats on my hand and walked away. He chased after me and tried to lick my hand more. As he chased me he barked and jumped off the ground excitedly.
- I walked through the house and he continued to follow me barking and jumping. He did not growl or bare his teeth.
- I returned to the living room and sat on the couch. He sat at my feet and tried to get to my hands but he did not jump in my lap or otherwise assert himself.
- After 20-30 minutes, he fell asleep again.

Based on my 2 hour evaluation, it is my professional opinion that Ziggy is not an aggressive dog and does not pose a threat to people. I recommended to the owners that they ensure Ziggy is fed nutritious dog food at regular meal times and dog treats in connection with training only. I suggested that he not be given table food from family meals or snacks. That type of behavior may encourage his enthusiasm for snacks and treats.

Please let me know if I can be of further assistance.

Sincerely,

Meredith Julian

Meredith L. Julian, CPDT-KA

Exhibit A from Ms. Wall



When Ziggy was a puppy



Recent picture of Ziggy at home

Shih Tzu

From Wikipedia, the free encyclopedia
Not to be confused with [Shiatsu](#).

A **Shih Tzu** ([English](#): /ˈʃiːtsuː/; [Chinese](#): 西施犬; [pinyin](#): *xīshī quǎn*) also known as the **Chrysanthemum Dog**, is a [toy dog](#) breed, weighing 10 - 12 pounds when fully grown. The exact origins of the [breed](#) are unknown, but it is thought to have originated in [Tibet](#) and then been developed in [China](#) although various hypotheses exist.

Appearance

The Shih Tzu is a sturdy little dog with a short [muzzle](#) and large dark eyes. They have a soft and long double [coat](#). A Shih Tzu should stand no more than 26.7 cm (10½ in.) at the [withers](#) and with an ideal weight of 4.5 to 7.3 kg (10 to 16 lbs). [Drop ears](#) are covered with long [fur](#), and the heavily furred [tail](#) is carried curled over the back. The coat may be of any color, though white and with blazes of grey are frequently seen. The Shih Tzu is slightly longer than tall, and bigger dogs ideally should carry themselves "with distinctly arrogant carriage". A very noticeable feature is the [underbite](#), which is required in the [breed standard](#).^[1] The traditional long silky coat, which reaches the floor, requires daily brushing to avoid tangles. Because of their long coat and fast-growing hair, regular grooming is necessary, which may be expensive and should be taken into account when considering adopting one of this breed. Often the coat is clipped short to simplify care. For conformation showing, the coat must be left in its natural state, though trimming for neatness around the feet and anus is allowed. The shorter cut is typically called a "puppy cut"^[2] or a "teddy bear cut" when the puppy cut is accompanied by a fuller, rounder face, resembling a stuffed animal.^[3]

Temperament

Although a Shih Tzu's [temperament](#) varies from dog to dog, the breed has a personality and temperament that is loyal, affectionate, outgoing, and alert. Training and proper socializing must start at a young age for the Shih Tzu to obey basic commands, for the Shih Tzu is prone to stubbornness when it comes to training. While the Shih Tzu is an excellent watch dog because of its alert and active nature, it was not specifically bred for this purpose. Unlike the [Lhasa Apso](#), which was bred to be a sentinel dog that enjoys high perches and is wary of strangers, the Shih Tzu prefers to be close to its companions and will often offer strangers its affection. Because of its friendly nature, the Shih Tzu tends to interact well with other dogs and with children and adults. Shih Tzu make excellent house pets especially if one lives in an apartment or does not have a large garden as they require minimal exercise. Composer James Mumford described the Shih Tzu as "... a dash of lion, several teaspoons of rabbit, a couple of ounces of domestic cat, one part court jester, a dash of ballerina, a pinch of old man, a bit of beggar, a tablespoon of monkey, one part baby seal, (and) a dash of teddy bear."^[4]

Exhibit C from Ms. Wall

