

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 963
HOUSE BILL 2280

AN ACT TO ALLOW DARE COUNTY TO ESTABLISH A SPECIAL LEASH LAW DISTRICT, APPLY A LEASH LAW WITHIN THAT DISTRICT, AND LEVY A TAX IN THAT DISTRICT FOR ENFORCEMENT OF THE LEASH LAW.

The General Assembly of North Carolina enacts:

Section 1. The board of commissioners of a county may, after approval of the voters of the area of that proposed district under Section 3 of this act, create within that county one or more special districts under this act, except that no territory may be within more than one such special district. The special district shall be known as the "_____ Leash Law District" or as the "_____ Dog Restraint District", with the name of the county and/or geographical area and/or number of the district filled in by the ordinance. No such district shall contain less than 600 acres of surface area.

Sec. 2. (a) The board of commissioners of a county may adopt an ordinance to apply only in a special district created under this act, which requires that no owner or keeper of any dog shall permit such dog to run at large. For the purpose of that ordinance, the following definitions apply:

- (1) "Owner or keeper" means any person or persons, or firm, association or corporation, owning, keeping, or harboring a dog;
- (2) "At large" is intended to mean off the premises of the owner or keeper and not under restraint;
- (3) "Under restraint" means:
 - a. Controlled by means of a chain, leash or other like device;
 - b. On or within a vehicle being driven or parked; or
 - c. Within a secure enclosure which prevents the dog from injuring persons; and
- (4) "Premises" means land and buildings.

(b) The ordinance may be enforced as provided for county ordinances under Chapters 67 or 153A of the General Statutes, or under any other public or local act applicable in that county.

Sec. 2.1. Notwithstanding Sections 1 and 2 of this act, a county board of commissioners may, not earlier than adoption of the resolution calling an election as provided by this act, adopt an ordinance authorized by this act, applicable only in the territory of the proposed district, with funds for enforcement of such ordinance to be paid out of general county revenues, but if the voters do not approve creation of the district as provided by this act, then the ordinance shall cease to be effective (except for

violations committed prior to its expiration) at the end of the fiscal year ending after the next general county election held after adoption of the ordinance.

Sec. 3. The board of county commissioners of a county may by resolution call an election to be conducted by the board of elections of that county in a special district established under Section 1 of this act for the purpose of submitting to the voters therein the single issue of establishing the district and levying and collecting annually a special ad valorem tax on all taxable real and personal property in the special district for the purpose of enforcing an ordinance authorized by Section 2 of this act. The tax levied and collected for the purpose herein specified shall not exceed five cents (5¢) on each one hundred dollars (\$100.00) valuation of taxable property in the special district.

Sec. 4. The election shall be conducted in accordance with Chapter 163 of the General Statutes. The board of elections of a county shall determine and declare the results of said election and certify the same to the board of county commissioners of a county and the same shall thereupon be spread upon the minutes of the said board.

Sec. 5. The ballot shall contain the date of the election, the name of the proposed special district, and the following language:

- FOR creation of the _____ District and the levy of an ad valorem tax not to exceed five cents (5¢) on the one hundred dollar (\$100.00) taxable valuation for the enforcement within that district of an ordinance requiring that no owner or keeper of any dog shall permit such dog to run at large.
- AGAINST creation of the _____ District and the levy of an ad valorem tax not to exceed five cents (5¢) on the one hundred dollar (\$100.00) taxable valuation for the enforcement within that district of an ordinance requiring that no owner or keeper of any dog shall permit such dog to run at large."

The ballot shall contain the facsimile signature of the chairman of the board of elections of that county.

Sec. 6. If a majority of the qualified voters voting at said election shall vote in favor of creating the district and the levying of a tax as aforesaid for the enforcement of the ordinance, as provided by this act, the board of county commissioners of that county shall upon receipt of the certified copy of the results of said election from the board of elections adopt a resolution creating the district and shall file a copy of the said resolution so adopted with the clerk of the superior court of the county. Upon creation and establishment of the district, the board of county commissioners of the county may levy and collect an ad valorem tax on all taxable property in said district in such amount as it may deem necessary to pay expenses necessitated under Section 8 of this act, not exceeding five cents (5¢) on each one hundred dollar (\$100.00) taxable valuation of property in said district from year to year, and shall cause the same to be kept in a separate and special fund, to be used only for the enforcement within that district of the ordinance authorized by Section 2 of this act.

Sec. 7. The district shall constitute a political subdivision of the State of North Carolina, and shall be a body corporate and politic, exercising public power. The special district is a public authority under the Local Government Budget and Fiscal

Control Act, but the audit required under G.S. 159-34 may be done as part of the audit of the county which established the special district, and the finance officer of that county shall be ex officio the finance officer of the special district. The board of commissioners of that county shall be ex officio the governing board of the special district.

Sec. 8. (a) The special district shall pay for the enforcement of the ordinance adopted under Section 2 of this act within that district. The special district may contract with the county for the enforcement of that ordinance.

(b) The district may:

- (1) Sell, convey, and dispose of any real or personal property owned by the special district, acquired from any source whatsoever, in accordance with Article 12 of Chapter 160A of the General Statutes.
- (2) Erect, repair, construct, replace, and alter buildings owned by the special district, and to improve, manage and maintain and control all real and personal property owned by the special district or under its supervision and control.
- (3) Employ such officers, agents, consultants, and other employees as it may desire, and to determine their qualifications, duties and compensation.
- (4) Expend the funds collected by the special tax provided by this act and any and all other funds coming into the hands of the special district thereof by gift, donation, contribution, or otherwise, for the enforcement of the ordinance adopted under Section 2 of this act.
- (5) Do any and all other acts and things reasonably necessary and requisite to the purpose of the special district in accordance with the provisions of this act.

Sec. 9. This act applies to Dare County only, and is supplemental to any private or public acts.

Sec. 10. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 18th day of July, 1990.