

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 2280*

Short Title: Dare Leash Law/Tax.

(Local)

Sponsors: Representatives R. Thompson and James.

Referred to: Commerce.

June 1, 1990

A BILL TO BE ENTITLED

1 AN ACT TO ALLOW DARE COUNTY TO ESTABLISH A SPECIAL LEASH LAW
2 DISTRICT, APPLY A LEASH LAW WITHIN THAT DISTRICT, AND LEVY A
3 TAX IN THAT DISTRICT FOR ENFORCEMENT OF THE LEASH LAW.
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5 The General Assembly of North Carolina enacts:

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

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

17 (1) "Owner or keeper" means any person or persons, or firm, association
18 or corporation, owning, keeping, or harboring a dog;

19 (2) "At large" is intended to mean off the premises of the owner or keeper
20 and not under restraint;

21 (3) "Under restraint" means:

22 a. Controlled by means of a chain, leash or other like device;

23 b. On or within a vehicle being driven or parked; or

1 c. Within a secure enclosure which prevents the dog from injuring
2 persons; and

3 (4) "Premises" means land and buildings.

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

7 Sec. 2.1. Notwithstanding Sections 1 and 2 of this act, a county board of
8 commissioners may, not earlier than adoption of the resolution calling an election as
9 provided by this act, adopt an ordinance authorized by this act, applicable only in the
10 territory of the proposed district, with funds for enforcement of such ordinance to be
11 paid out of general county revenues, but if the voters do not approve creation of the
12 district as provided by this act, then the ordinance shall cease to be effective (except for
13 violations committed prior to its expiration) at the end of the fiscal year ending after the
14 next general county election held after adoption of the ordinance.

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

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

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

29 "[] FOR creation of the _____ District and the levy of an
30 ad valorem tax not to exceed five cents (5¢) on the one hundred dollar
31 (\$100.00) taxable valuation for the enforcement within that district of
32 an ordinance requiring that no owner or keeper of any dog shall permit
33 such dog to run at large.

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

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

41 Sec. 6. If a majority of the qualified voters voting at said election shall vote in
42 favor of creating the district and the levying of a tax as aforesaid for the enforcement of
43 the ordinance, as provided by this act, the board of county commissioners of that county
44 shall upon receipt of the certified copy of the results of said election from the board of

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

10 Sec. 7. The district shall constitute a political subdivision of the State of
11 North Carolina, and shall be a body corporate and politic, exercising public power. The
12 special district is a public authority under the Local Government Budget and Fiscal
13 Control Act, but the audit required under G.S. 159-34 may be done as part of the audit
14 of the county which established the special district, and the finance officer of that
15 county shall be ex officio the finance officer of the special district. The board of
16 commissioners of that county shall be ex officio the governing board of the special
17 district.

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

21 (b) The district may:

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

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

41 Sec. 10. This act is effective upon ratification.