



**ORANGE COUNTY**  
**NORTH CAROLINA**  
**ANIMAL SERVICES**

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Potentially Dangerous Dog Appeal Hearings:  
Frequently Asked Questions

North Carolina General Statute (67-4.1) requires that dogs that have displayed certain behaviors be deemed potentially dangerous and be held to a strict standard by their owners or keepers. The same statute requires that a hearing be made available to a dog owner to appeal such a declaration. Owners of dogs that have been declared potentially dangerous by Orange County Animal Services have three (3) days from the notice of such a determination to request an appeal the decision.

In Orange County, this appeal is provided by a standing committee of the Animal Services Advisory Board, a body of residents appointed by the Board of County Commissioners. Upon receiving a request for an appeal hearing, the Animal Services Director convenes the Potentially Dangerous Dog Appeal Committee. Under North Carolina General Statute (67-4.1), the committee holds the appeal hearing within ten (10) days of the date the appeal request is made.

The timetable for the hearing is short and established by state law. Staff works hard to coordinate with hearing officers and schedule the hearing within ten (10) days from the date an appeal request is received.

The facts/questions below are provided so that county residents can both understand the potentially dangerous dog determination and determine whether or not an appeal is a necessary or desired action.

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Important Facts

- The functions of the Appeal Committee are narrow and specific. The only purpose of the hearing officers in this context is to determine whether the facts of the particular incident are consistent with the definition of a potentially dangerous dog given by the NC Statute. If the facts of the case indicate a behavior that matches the NC Statute's definition of a potentially dangerous dog, there are no grounds for the hearing officers to overturn a dog's declaration.
- The hearing officers understand natural dog behavior. There is often, if not always, a veterinarian on the committee. However, their opinions about your dog's character or whether

your dog was acting in a way consistent with normal dog behavior are not an influencing factor in an appellate decision. While statements about the dog's character and past behavior will be received, they are secondary to fact about what actually happened and whether it meets the definition of a potentially dangerous dog.

- A determination of vicious dog is separate and different from the determination of a potentially dangerous dog. A vicious dog determination is a county determination and presently it is not able to be appealed.
- Anything submitted at an appeal becomes part of the official record and copies should be supplied for all parties attending (at least 10).

### **Common Questions**

If a party goes forward with the appeal process, the questions below may be of use in preparing for the hearing.

- *Should I bring the dog deemed potentially dangerous to the hearing?*  
No. No animals should be brought to the hearing.
- *What should I bring to a hearing?*  
Bring your copy of the packet sent to you by Animal Services, along with any additional documents or witnesses that may offer new evidence about the case and the facts of the incident itself. Only witnesses that can add to the facts of the specific incident will be of assistance to the case, not character witnesses for the animals in question.
- *What if this is the only time my dog has ever acted in this way? Will this help my case?*  
The NC Statute is written in such a way so that previous vicious or dangerous behavior is not a requirement for a potentially dangerous dog declaration. The appeals committee will only be able to determine whether the dog in question acted in a manner consistent with the definition of a potentially dangerous dog in this incident, regardless of how many times the behavior has occurred before.
- *What can I do if I am unhappy with the committee's findings?*  
Anyone unhappy with the findings of the appeals committee has the right to an appeal with the NC Superior Court. Those requests should be filed within 10 days of the decision to the superior court.