

# Chapter 10

## Miscellaneous Issues

- **Pet licensing**
  - **Petting zoos**
  - **Disposition of dead animals**
  - **Emergencies (PETS 2006)**
  - **Bird sanctuaries**
  - **Pets in hotels**
  - **Electronic dog collars**
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### **Pet Licensing**

Local governments have the authority to require citizens to obtain licenses and pay taxes on their domestic pets.<sup>1</sup> Several jurisdictions in North Carolina have adopted ordinances imposing such licensing requirements. Their form and purpose may vary according to the city's or county's desire to promote other policy goals, such as encouraging owners to sterilize or vaccinate their animals or expanding the authority to impound stray animals.

In Durham County, for example, pet owners pay a \$10 license fee for each sterile animal and a \$75 fee for an unsterilized animal.<sup>2</sup> Asheville takes a slightly different approach, charging a flat licensing fee of \$10 for all animals but requiring animal owners who have not had their pets sterilized to apply for an "unaltered animal permit" and pay a one-time \$100 fee.<sup>3</sup> A recent study conducted by North Carolina State University veterinary graduate students examined Asheville's program and concluded that it did increase the number of sterilized pets in the city.<sup>4</sup> Another study by a University of North Carolina

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1. N.C. GEN. STAT. 153A-153 (counties) (hereinafter G.S.); G.S. 160A-212 (cities).

2. See Durham County Animal Control Division, Vaccination and Licensing, [www.durhamcountync.gov/departments/anml/Vaccination\\_and\\_Licensing.html](http://www.durhamcountync.gov/departments/anml/Vaccination_and_Licensing.html) (last visited Oct. 12, 2007).

3. Asheville Code of Ordinances, § 3-5, [www.buncombecounty.org/governing/depts/Sheriff/animalControl.asp](http://www.buncombecounty.org/governing/depts/Sheriff/animalControl.asp)

4. Courtney Pierce and Jennifer Reed, "Preliminary Assessment of the Effects of Recent Spay/Neuter Legislation in Buncombe County, NC" (June 2007) (graduate student research paper), [www.ncanimalcontrol.unc.edu/pdfs/FinalReportPierceReed.pdf](http://www.ncanimalcontrol.unc.edu/pdfs/FinalReportPierceReed.pdf) (last visited Oct. 12, 2007).

graduate student in public administration looked at jurisdictions that linked licensing with rabies vaccination requirements. The author concluded that linking the two requirements not only increased the local vaccination rates and improved enforcement of licensure requirements but could also significantly increase the number of animals licensed.<sup>5</sup>

Some local governments have managed to generate significant income streams from license taxes. For example, New Hanover County, which started its mandatory licensing program in 1999, has been able to gradually increase its revenues every year. In fiscal year 2006–2007, the program generated over \$725,000.<sup>6</sup> Other jurisdictions, however, have concluded that the political ramifications of imposing a new tax, the likelihood that only the “good, responsible citizens would pay,” and the administrative burden related to collection outweigh the potential benefits of such a tax.<sup>7</sup>

## Petting Zoos

In the fall of 2004, over a hundred people—mostly children under the age of six—contracted a communicable *E. coli* infection after visiting the petting zoo at the North Carolina State Fair.<sup>8</sup> At the time, North Carolina had no state laws regulating sanitation at petting zoos. In response to the *E. coli* outbreak, the North Carolina Department of Agriculture and Consumer Services (the Department)—which oversees the state fair—instituted new restrictions at the fair’s animal exhibitions.<sup>9</sup> In addition, the General Assembly passed legislation directing the commissioner of agriculture to establish a permitting system for animal exhibitions.

The new law defines *animal exhibitions* as agricultural fairs where animals are displayed on the exhibition grounds, where they may have physical contact with humans. The term *fair* is a specialized term that refers to exhibitions designed to promote agriculture and other industries by offering premiums and

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5. Catherine M. Clark, “The Truth about Cats and Dogs: Vaccinations, Licenses, Service, Revenue,” *Popular Government* 67 (Winter 2002): 40.

6. Conversation with Jean McNeil, director of Animal Control for New Hanover County (July 16, 2007).

7. See, e.g., Nate DeGraff, “Paying to Own a Pet,” *Greensboro News-Record*, Sept. 24, 2006.

8. See Centers for Disease Control and Prevention (CDC), “Outbreaks of *Escherichia coli* O157:H7 Associated with Petting Zoos—North Carolina, Florida, and Arizona, 2004 and 2005,” *Morbidity and Mortality Weekly (MMWR)*, 54(50): 1277–1280 (Dec. 23, 2005); Lisa Hoppenjans, “As Girl Copes, Legacy May Protect Others,” *Raleigh News & Observer*, July 26, 2005, 1A.

9. See *MMWR*, 54(50): 1280.

awards.<sup>10</sup> Such fairs are already required to obtain licenses from the Department; the sanitation requirements related to animal exhibitions add a new layer of regulation.<sup>11</sup> The regulations, which went into effect in September 2006, require exhibitions to

- provide fencing to minimize contact between the public and the manure or bedding of the animals;
- provide hand-washing stations (which should include soap and running water, not hand sanitizers and hand wipes);
- post signs regarding the health risks related to animal contact and identifying the location of hand-washing stations; and
- maintain health certificates for animals included in the exhibition.<sup>12</sup>

In July 2007 the National Association of State Public Health Veterinarians (NASPHV) released a report recommending measures for preventing disease associated with animals in public settings.<sup>13</sup> The report's recommendations are largely consistent with the new state regulations.

If an exhibition is in violation of the regulations, the Department may deny, suspend, or revoke its permit and may also assess a civil monetary penalty of up to five thousand dollars.<sup>14</sup> In addition, private individuals who are harmed at such exhibitions may consider bringing civil lawsuits against the exhibition operators to recover money damages. In 2007, however, legislation that restricts the ability of private individuals to recover damages was enacted.<sup>15</sup> The new law provides that, subject to limited exceptions, the operator of an exhibition will not be liable for "injury to or death of a participant resulting from the inherent risks" related to the exhibition's activity.<sup>16</sup> To take advantage of this limitation on liability, the operator must post a sign warning the public about the "inherent risks" related to the animal exhibition.<sup>17</sup>

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10. G.S. 106-520.1. The term *fair* does not encompass "noncommercial community fairs." G.S. 106-520.3.

11. G.S. 106-520.3A.

12. N.C. ADMIN. CODE tit. 2, ch. 52K, §§ .0101–.0702 (hereinafter N.C.A.C.).

13. See CDC, "Compendium of Measures to Prevent Disease Associated with Animals in Public Settings," 2007, *MMWR* 56(RR-5): 1–28 (July 6, 2007), [www.cdc.gov/mmwr/PDF/rr/rr5605.pdf](http://www.cdc.gov/mmwr/PDF/rr/rr5605.pdf) (last visited Oct. 12, 2007).

14. G.S. 106-520.3(f).

15. S.L. 2007-171 (amending G.S. 99E-30(1)).

16. G.S. 99E-31(a). The exceptions may apply if the operator (1) commits an act or omission that constitutes negligence or willful or wanton disregard for the safety of the participant, or (2) has actual knowledge or reasonably should have known of a dangerous condition. G.S. 99E-31(b).

17. G.S. 99E-32. The sign must include the following language: "WARNING. Under North Carolina law, there is no liability for an injury to or death of a participant in an agritourism activity conducted at this agritourism location if such injury or death

## Disposal of Dead Animals

With respect to dead animals, state law imposes various duties on animal owners, owners of property where dead animals are found, and cities and counties, as well as on the North Carolina Department of Transportation (NCDOT). If a domesticated animal dies, the animal's owner or the person who owns or operates the property where the animal died must bury it within twenty-four hours of learning of its death. The animal must be buried at least three feet deep and no less than 300 feet from any flowing stream or public body of water. Alternatively, the responsible person may contact the state veterinarian at the Department of Agriculture to seek approval for another method of disposal.<sup>18</sup> A willful violation of this law is a Class 2 misdemeanor.<sup>19</sup> Cities and counties are required to designate a person to arrange for the removal of dead animals whose owners cannot be identified. Cities are responsible for animals within the city limits, and counties are responsible for all areas outside the limits of any municipality.<sup>20</sup> Some jurisdictions, such as Winston-Salem and Asheville, offer to pick up dead animals and dispose of them.<sup>21</sup>

NCDOT is charged with removing and disposing of dead animals from primary and secondary roads. If it finds some evidence about the ownership of a dog found dead, NCDOT must take "reasonable steps" to notify the owner.<sup>22</sup> Some local governments also play a role in removing dead animals from the roads within their jurisdictions.<sup>23</sup>

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results from the inherent risks of the agritourism activity. Inherent risks of agritourism activities include, among others, risks of injury inherent to land, equipment, and animals, as well as the potential for you to act in a negligent manner that may contribute to your injury or death. You are assuming the risk of participating in this agritourism activity." *Id.* See also G.S. 520 and G.S. 520.3A.

18. G.S. 106-403.

19. G.S. 106-405.

20. G.S. 106-403.

21. See City of Winston-Salem, Sanitation Division, [www.cityofws.org/Home/Departments/Sanitation/Collections](http://www.cityofws.org/Home/Departments/Sanitation/Collections) ("The City provides dead animal collection Monday through Friday from 8:00 am to 2:00 pm and on Saturdays from 8:00 am to 12:00 pm. Animals are collected from the streets. No collections are made on private property. Residents should place animals in a bag and place by the curb.") (last visited July 13, 2007); City of Asheville, Public Works Department, [www.ashevillenc.gov/residents/public\\_services/sanitation/default.aspx?id=750](http://www.ashevillenc.gov/residents/public_services/sanitation/default.aspx?id=750) ("Small dead animals, such as a cat, dog or other small, household pet, must be wrapped in a plastic bag and placed at the curb.") (last visited July 13, 2007).

22. G.S. 136-81(21).

23. For example, the City of Durham will collect and dispose of dead animals found on streets within the city limits. City of Durham INFO-Line, Dead Animal Removal (contacted July 12, 2007).

## Emergency Preparedness

In 2006 Congress passed federal legislation addressing care for animals during natural disasters and emergencies.<sup>24</sup> The federal law makes three policy changes. First, it requires state and local government emergency preparedness plans to “take into account the needs of individuals with household pets and service animals prior to, during, and following a major disaster or emergency.”<sup>25</sup> These plans are important because the Federal Emergency Management Agency (FEMA) may rely on them when allocating and distributing certain federal preparedness funds to the states and other governmental entities.<sup>26</sup> The second change specifically allows FEMA to provide funding to state and local authorities for animal emergency preparedness purposes.<sup>27</sup> Finally, the act authorizes FEMA to provide assistance and funding to state and local governments involved with the “provision of rescue, care, shelter, and essential needs” of people who have household pets and service animals.<sup>28</sup> In October 2007 FEMA released guidance outlining the parameters of the new policy.<sup>29</sup> In summary, the guidance

- defines key terms, including *household pet* and *service animal*;
- identifies entities that are eligible for reimbursement;
- lists the types of activities and services that are reimbursable, including certain costs incurred for labor, facilities, supplies, equipment, veterinary services, transportation, and removal and disposal of dead animals.

## Bird Sanctuaries

In North Carolina, only cities have the authority to adopt ordinances establishing bird sanctuaries within their jurisdictions.<sup>30</sup> If a city establishes a sanctuary, it may restrict the hunting and trapping of birds within the city limits, but it may not protect birds that are considered pests under state law. For example, the North Carolina Pesticide Board has declared the red-winged blackbird a pest and has authorized the use of pesticides on the birds in certain

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24. Pets Evacuation and Transportation Standards Act of 2006 (PETS Act), P.L. No. 109-308, 120 Stat. 1725 (2006).

25. 42 U.S.C. § 5196b(g).

26. 42 U.S.C. § 5196b(a), (f).

27. 42 U.S.C. § 5196(2).

28. 42 U.S.C. § 5170b(a)(3).

29. FEMA Disaster Assistance Policy 9523.19, Eligible Costs Related to Pet Evacuation and Sheltering (Oct. 24, 2007), [www.fema.gov/government/grant/pa/9523.19.shtm](http://www.fema.gov/government/grant/pa/9523.19.shtm).

30. G.S. 160A-188.

circumstances.<sup>31</sup> Use of such a pesticide would not be prohibited within a bird sanctuary. Below is an example of a sanctuary ordinance:

- (a) *Town designated as sanctuary.* The area within the corporate limits of the town and all land owned or leased by the town outside the corporate limits is hereby designated as a bird sanctuary, as authorized by G.S. 160A-188.
- (b) *Unlawful to trap, etc.* It shall be unlawful intentionally to trap, hunt, shoot, or otherwise kill, within the sanctuary hereby established, any native wild bird, except those birds classified as a pest under article 22A of chapter 113 of the General Statutes (G.S. 113-300.1 et seq.) and the Structural Pest Control Act of North Carolina of 1955 (G.S. 106-55.22 et seq.) or the North Carolina Pesticide Law of 1971 (G.S. 143-434 et seq.), pursuant to an appropriate permit issued by the North Carolina Wildlife Commission.<sup>32</sup>

## Pets in Hotels

Operators of inns and hotels may establish policies allowing guests to bring pets into sleeping rooms and adjoining rooms.<sup>33</sup> Hotels that do allow pets must (1) post a notice of that fact in the registration area, (2) post a sign in any sleeping room where pets are allowed, and (3) prohibit pets from at least 10 percent of the sleeping rooms. An operator may be charged with a Class 3 misdemeanor for failing to comply with these requirements. In addition, a person who brings a pet into a room where pets are prohibited may be charged with a Class 3 misdemeanor. This law, however, does *not* apply to the admittance of assistance animals to inns or hotels.

## Electronic Dog Collars

It is a crime to intentionally remove or destroy an electronic dog collar or other electronic device placed on a dog by its owner to maintain control of the dog. The first violation is a Class 3 misdemeanor, and subsequent convictions are Class 2 misdemeanors.

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31. 2 N.C.A.C. 09L .0706 (“Pesticides registered for use to control the red-winged blackbird may be used when it is committing or about to commit depredations upon ornamental or shade trees, agricultural crops, livestock, or wildlife, or when concentrated in such numbers or manner as to constitute a health hazard or other nuisance.”).

32. Town of Smithsfield Ordinance No. 427, 2-7-06.

33. G.S. 72-7.1.

## Relevant Statutes

### § 14-401.17. Unlawful removal or destruction of electronic dog collars.

- (a) It is unlawful to intentionally remove or destroy an electronic collar or other electronic device placed on a dog by its owner to maintain control of the dog.
- (b) A first conviction for a violation of this section is a Class 3 misdemeanor. A second or subsequent conviction for a violation of this section is a Class 2 misdemeanor.
- (c) This act is enforceable by officers of the Wildlife Resources Commission, by sheriffs and deputy sheriffs, and peace officers with general subject matter jurisdiction.
- (d) Repealed by Session Laws 2005-94, s. 1, effective December 1, 2005, and applicable to offenses committed on or after that date.

### § 72-7.1. Admittance of pets to hotel rooms.

- (a) Innkeepers may permit pets in rooms used for sleeping purposes and in adjoining rooms. Persons bringing pets into a room in which they are not permitted are in violation of this section and punishable according to subsection (d) of this section.
- (b) Innkeepers allowing pets must post a sign measuring not less than five inches by seven inches at the place where guests register informing them pets are permitted in sleeping rooms and in adjoining rooms. If certain pets are permitted or prohibited, the sign must so state. If any pets are permitted, the innkeeper must maintain a minimum of ten percent (10%) of the sleeping rooms in the inn or hotel as rooms where pets are not permitted and the sign required by this subsection must also state that such rooms are available.
- (c) All sleeping rooms in which the innkeeper permits pets must contain a sign measuring not less than five inches by seven inches, posted in a prominent place in the room, which shall be separate from the sign required by G.S. 72-6, stating that pets are permitted in the room, or whether certain pets are prohibited or permitted in the room, and stating that bringing pets into a room in which they are not permitted is a Class 3 misdemeanor.
- (d) Any person violating the provisions of this section shall be guilty of a Class 3 misdemeanor.
- (e) The provisions of this section are not applicable to assistance dogs admitted to sleeping rooms and adjoining rooms under the provisions of Chapter 168 of the General Statutes.

## Article 4 of Chapter 99E

### § 99E-30. Definitions.

As used in this Article, the following terms mean:

- (1) Agritourism activity. – Any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity. “Agritourism activity” includes an activity involving any animal exhibition at an agricultural fair licensed by the Commissioner of Agriculture pursuant to G.S. 106-520.3.
- (2) Agritourism professional. – Any person who is engaged in the business of providing one or more agritourism activities, whether or not for compensation.
- (3) Inherent risks of agritourism activity. – Those dangers or conditions that are an integral part of an agritourism activity including certain hazards, including surface and subsurface conditions, natural conditions of land, vegetation, and waters, the behavior of wild or domestic animals, and ordinary dangers of structures or equipment ordinarily used in farming and ranching operations. Inherent risks of agritourism activity also include the potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, including failing to follow instructions given by the agritourism professional or failing to exercise reasonable caution while engaging in the agritourism activity.
- (4) Participant. – Any person, other than the agritourism professional, who engages in an agritourism activity.
- (5) Person. – An individual, fiduciary, firm, association, partnership, limited liability company, corporation, unit of government, or any other group acting as a unit.

### § 99E-31. Liability.

(a) Except as provided in subsection (b) of this section, an agritourism professional is not liable for injury to or death of a participant resulting from the inherent risks of agritourism activities, so long as the warning contained in G.S. 99E-32 is posted as required and, except as provided in subsection (b) of this section, no participant or participant’s representative can maintain an

action against or recover from an agritourism professional for injury, loss, damage, or death of the participant resulting exclusively from any of the inherent risks of agritourism activities. In any action for damages against an agritourism professional for agritourism activity, the agritourism professional must plead the affirmative defense of assumption of the risk of agritourism activity by the participant.

(b) Nothing in subsection (a) of this section prevents or limits the liability of an agritourism professional if the agritourism professional does any one or more of the following:

- (1) Commits an act or omission that constitutes negligence or willful or wanton disregard for the safety of the participant, and that act or omission proximately causes injury, damage, or death to the participant.
- (2) Has actual knowledge or reasonably should have known of a dangerous condition on the land, facilities, or equipment used in the activity or the dangerous propensity of a particular animal used in such activity and does not make the danger known to the participant, and the danger proximately causes injury, damage, or death to the participant.

(c) Nothing in subsection (a) of this section prevents or limits the liability of an agritourism professional under liability provisions as set forth in Chapter 99B of the General Statutes.

(d) Any limitation on legal liability afforded by this section to an agritourism professional is in addition to any other limitations of legal liability otherwise provided by law.

#### **§ 99E-32. Warning required.**

(a) Every agritourism professional must post and maintain signs that contain the warning notice specified in subsection (b) of this section. The sign must be placed in a clearly visible location at the entrance to the agritourism location and at the site of the agritourism activity. The warning notice must consist of a sign in black letters, with each letter to be a minimum of one inch in height. Every written contract entered into by an agritourism professional for the providing of professional services, instruction, or the rental of equipment to a participant, whether or not the contract involves agritourism activities on or off the location or at the site of the agritourism activity, must contain in clearly readable print the warning notice specified in subsection (b) of this section.

(b) The signs and contracts described in subsection (a) of this section must contain the following notice of warning:

**“WARNING**

Under North Carolina law, there is no liability for an injury to or death of a participant in an agritourism activity conducted at this agritourism location if such injury or death results from the inherent risks of the agritourism activity. Inherent risks of agritourism activities include, among others, risks of injury inherent to land, equipment, and animals, as well as the potential for you to act in a negligent manner that may contribute to your injury or death. You are assuming the risk of participating in this agritourism activity.”

(c) Failure to comply with the requirements concerning warning signs and notices provided in this subsection will prevent an agritourism professional from invoking the privileges of immunity provided by this Article.

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**§ 106-403. (Effective until October 1, 2009) Disposition of dead domesticated animals.**

It is the duty of the owner of domesticated animals that die from any cause and the owner or operator of the premises upon which any domesticated animals die, to bury the animals to a depth of at least three feet beneath the surface of the ground within 24 hours after knowledge of the death of the domesticated animals, or to otherwise dispose of the domesticated animals in a manner approved by the State Veterinarian. It is a violation of this section to bury any dead domesticated animal closer than 300 feet to any flowing stream or public body of water. It is unlawful for any person to remove the carcasses of dead domesticated animals from the person's premises to the premises of any other person without the written permission of the person having charge of the other premises and without burying the carcasses as provided under this section. The governing body of each municipality shall designate some appropriate person whose duty it shall be to provide for the removal and disposal, according to the provisions of this section, of any dead domesticated animals located within the limits of the municipality when the owner of the animals cannot be determined. The board of commissioners of each county shall designate some appropriate person whose duty it shall be to provide for the removal and disposal under this section, of any dead domesticated animals located within the limits of the county, but without the limits of any municipality, when the owner of the animals cannot be determined. All costs incurred by a municipality or county in the removal of dead domesticated animals shall be recoverable from the owner of the animals upon admission of ownership or conviction. “Domesticated animal” as used in this section includes poultry.

**§ 106-403. (Effective October 1, 2009) Disposition of dead domesticated animals.**

It shall be the duty of the owner or person in charge of any of his domesticated animals that die from any cause and the owner, lessee, or person in charge of any land upon which any domesticated animals die, to bury the same to a depth of at least three feet beneath the surface of the ground within 24 hours after knowledge of the death of said domesticated animals, or to otherwise dispose of the same in a manner approved by the State Veterinarian. It shall be a violation of this statute to bury any dead domesticated animal closer than 300 feet to any flowing stream or public body of water. It shall be unlawful for any person to remove the carcasses of dead domesticated animals from his premises to the premises of any other person without the written permission of the person having charge of such premises and without burying said carcasses as above provided. The governing body of each municipality shall designate some appropriate person whose duty it shall be to provide for the removal and disposal, according to the provisions of this section, of any dead domesticated animals located within the limits of the municipality when the owner or owners of said animals cannot be determined. The board of commissioners of each county shall designate some appropriate person whose duty it shall be to provide for the removal and disposal, according to the provisions of this section, of any dead domesticated animals located within the limits of the county, but without the limits of any municipality, when the owner or owners of said animals cannot be determined. All costs incurred by a municipality or county in the removal of a dead domesticated animal shall be recoverable from the owner of such animal upon admission of ownership or conviction. "Domesticated animal" as used herein shall include poultry.

**§ 106-520.3A. Animal exhibition regulation; permit required; civil penalties.**

(a) Title. – This section may be referred to as "Aedin's Law". This section provides for the regulation of animal exhibitions as they may affect the public health and safety.

(b) Definitions. – As used in this section, unless the context clearly requires otherwise:

- (1) "Animal" means only those animals that may transmit infectious diseases.
- (2) "Animal exhibition" means any sanctioned agricultural fair where animals are displayed on the exhibition grounds for physical contact with humans.

(c) Permit Required. – No animal exhibition may be operated for use by the general public unless the owner or operator has obtained an operation

permit issued by the Commissioner. The Commissioner may issue an operation permit only after physical inspection of the animal exhibition and a determination that the animal exhibition meets the requirements of this section and rules adopted pursuant to this section. The Commissioner may deny, suspend, or revoke a permit on the basis that the exhibition does not comply with this section or rules adopted pursuant to this section.

(d) Rules. – For the protection of the public health and safety, the Commissioner of Agriculture, with the advice and approval of the State Board of Agriculture, and in consultation with the Division of Public Health of the Department of Health and Human Services, shall adopt rules concerning the operation of and issuance of permits for animal exhibitions. The rules shall include requirements for:

- (1) Education and signage to inform the public of health and safety issues.
- (2) Animal areas.
- (3) Animal care and management.
- (4) Transition and nonanimal areas.
- (5) Hand-washing facilities.
- (6) Other requirements necessary for the protection of the public health and safety.

(e) Educational Outreach. – The Department shall continue its consultative and educational efforts to inform agricultural fair operators, exhibitors, agritourism business operators, and the general public about the health risks associated with diseases transmitted by physical contact with animals.

(f) Civil Penalty. – In addition to the denial, suspension, or revocation of an operation permit, the Commissioner may assess a civil penalty of not more than five thousand dollars (\$5,000) against any person who violates a provision of this section or a rule adopted pursuant to this section. In determining the amount of the penalty, the Commissioner shall consider the degree and extent of harm caused by the violation.

The clear proceeds of civil penalties assessed pursuant to this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

(g) Legal Representation by Attorney General. – It shall be the duty of the Attorney General to represent the Department of Agriculture and Consumer Services or designate a member of the Attorney General's staff to represent the Department in all actions or proceedings in connection with this section.

**§ 136-18. Powers of Department of Transportation.**

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(21) The Department of Transportation is hereby authorized and directed to remove all dead animals from the traveled portion and rights-of-way of all primary and secondary roads and to dispose of such animals by burial or otherwise. In cases where there is evidence of ownership upon the body of any dead dog, the Department of Transportation shall take reasonable steps to notify the owner thereof by mail or other means.

**§ 153A-153. Animal tax.**

A county may levy an annual license tax on the privilege of keeping dogs and other pets within the county.

**§ 160A-188. Bird sanctuaries.**

A city may by ordinance create and establish a bird sanctuary within the city limits. The ordinance may not protect any birds classed as a pest under Article 22A of Chapter 113 of the General Statutes and the Structural Pest Control Act of North Carolina of 1955 or the North Carolina Pesticide Law of 1971. When a bird sanctuary has been established, it shall be unlawful for any person to hunt, kill, trap, or otherwise take any protected birds within the city limits except pursuant to a permit issued by the North Carolina Wildlife Resources Commission under G.S. 113-274(c) (1a) or under any other license or permit of the Wildlife Resources Commission specifically made valid for use in taking birds within city limits.

**§ 160A-212. Animal taxes.**

A city shall have power to levy an annual license tax on the privilege of keeping any domestic animal, including dogs and cats, within the city. This section shall not limit the city's authority to enact ordinances under G.S. 160A-186.