A variety of legal tools are available at the federal, state, and local levels to address the abuse, neglect, or otherwise cruel treatment of animals. Under federal law, a few specific activities, such as animal fighting, are subject to criminal penalties. At the state level, North Carolina law includes both criminal and civil remedies for animal cruelty. The criminal laws target general acts of cruelty as well as such specific activities as animal fighting. The civil laws allow any person to ask a court to enjoin another person from cruelly treating an animal. Many cities and counties have also adopted ordinances that supplement the remedies available under federal and state law.

This chapter—the first of two addressing animal cruelty laws—reviews the state's criminal cruelty laws in detail and discusses some of the court decisions that have shaped this area of the law. It also briefly discusses federal laws on animal cruelty. Chapter 2 addresses the state's civil remedies, local governments' authority to appoint animal cruelty investigators, and the laws governing those investigators. Neither chapter deals with the law governing an animal owner's ability to sue another person for money damages related to the loss or injury of an animal.

The earliest state criminal statutes governing animal cruelty were passed in the late nineteenth century. Many of those enacted by the General Assembly as far back as 1881 remain in force today, although amended a bit over time. The cornerstone of the cruelty laws is the general law prohibiting cruelty found in sections 14-360 and 14-361 of the North Carolina General Statutes (hereinafter G.S.).

3. The General Assembly granted cities and counties specific statutory authority to "define and prohibit the abuse of animals." See G.S. 153A-127 (counties); G.S. 160A-182 (cities).
General Cruelty

North Carolina law recognizes two different levels of cruelty; one is punishable as a misdemeanor and the other as a felony. The primary differences between the two levels are (1) the defendant’s state of mind and (2) the severity of the harm caused to the animal. Both levels of cruelty apply to animals, defined broadly to include “every living vertebrate in the classes Amphibia, Reptilia, Aves, and Mammalia except human beings.”

Misdemeanor Cruelty

It is a Class 1 misdemeanor to intentionally do any of the following:

- overdrive an animal
- overload an animal
- wound an animal
- injure an animal
- torment an animal
- kill an animal
- deprive an animal of necessary sustenance

In addition, it is a Class A1 misdemeanor (which carries higher penalties) to maliciously kill an animal by intentionally depriving it of necessary sustenance.

A person who causes or procures an act resulting in one of the seven types of cruelty identified above can also be found guilty of a misdemeanor. For example, if Person A causes Person B to intentionally kill an animal, both Person A and Person B can be charged with misdemeanors.

To understand the parameters of misdemeanor cruelty, it is important to examine closely the key terms used in the law. According to the statute, an

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4. G.S. 14-360(c). The categories of animals protected under the law have changed over time. In 1881 the law applied to “any useful beast, fowl, or animal” and “animal” was defined to include “every living creature.” N.C. Code §§ 2482, 2490 (1883). The language related to useful beasts was later dropped, but the general category of “every living creature” remained in the law until 1998, when it was changed to “every living vertebrate except human beings.” S.L. 1998-212, sec. 17.16(c). In 1999 the definition took its current form. S.L. 1999-209, sec. 8.

5. G.S. 14-360(a1). This provision was added to the statute in 2007. S.L. 2007-211.

6. G.S. 14-360(a). The term procure means “to contrive, bring about, effect, or cause.”
act is done intentionally if it is committed knowingly and without justifiable excuse. The term knowingly is not defined in the statute but has been interpreted by the courts in the context of other criminal laws to mean that the person is aware or conscious of what he or she is doing. Combined, the two terms describe the state of mind required for a finding of misdemeanor cruelty: the person (1) is aware or conscious of what he or she is doing and (2) does not have a justifiable excuse.

Whether an act was done without a justifiable excuse is often the subject of litigation. Basically, the court must decide if the person had a legally defensible reason for causing or permitting an animal’s pain, suffering, or death. Courts have long recognized self-defense or defense of others as justifiable excuses. They are less willing to recognize defense of property as an adequate justification. For example, the court in State v. Neal rejected one person’s argument that he was justified in killing his neighbor’s chickens because they were eating his family’s pea crop.

While an argument based on defense of crops is unlikely to succeed, it is possible to argue defense of property if the personal property in question is another animal. Nonetheless, the courts have been careful to narrowly limit the availability of this justification to situations in which it is necessary for an animal owner to kill or injure an animal to protect his or her own animal(s). For

7. G.S. 14-360(c). Note that the Class 1 misdemeanor cruelty charge does not require evidence that the person acted maliciously or with evil intent.

8. Jessica Smith, North Carolina Crimes: A Guidebook on Elements of Crime, 6th ed. (Chapel Hill: UNC School of Government, 2008), 3 (“A person acts (or fails to act ’knowingly’ when the person is aware of what he or she is doing. A person has knowledge of a condition . . . when he or she has actual information concerning the condition. The fact that the defendant had a reasonable belief of a fact is not sufficient to establish that the defendant acted knowingly; to establish this mental state the person must actually have knowledge of the fact.” (internal citations omitted)).

9. The misdemeanor statute uses the term maliciously only once, when defining as guilty of a Class A1 misdemeanor someone who “shall maliciously kill, or cause or procure to be killed, any animal by intentional deprivation of necessary sustenance.” G.S. 14-360(a1).

10. See State v. Simmons, 36 N.C. App. 54, 244 S.E.2d 168 (1978).

11. 120 N.C. 613, 27 S.E. 81 (1897); see also State v. Butts, 92 N.C. 784, 787, 1885 WL 1606 (N.C.), at *2 (“It never was the law that a man might shoot and kill his neighbor’s horses and cows for a trespass upon his crops.”).

12. See Parrott v. Hartsfield, 20 N.C. 242, 244, 1838 WL 523 (N.C.), at *2 (“The law authorizes the act of killing a dog found on a man’s premises in the act of attempting to destroy his sheep, calves, coney [rabbits] in a warren, deer in a park, or other reclaimed animals used for human food and unable to defend themselves. . . . The law is different where the dog is chasing animals fere naturæ, such as hares or deer in a wild state, or combating with another dog.”); State v. Dickens, 215 N.C. 303, 305, 1 S.E.2d 837, 839
example, in 2006 the Court of Appeals issued an unpublished opinion rejecting a defendant’s argument that he was justified in killing a dog that was fighting with his dog. In this case, the defendant had stopped the fight but after doing so shot and killed the other dog.\textsuperscript{13} The court recognized that (1) neither dog appeared to be the aggressor, (2) the dog killed had no history of aggression, (3) no animals or people were at risk after the fight was interrupted, and (4) the defendant was easily able to stop the fight. Taken together, the court held that these findings supported the state’s argument that deadly force was not necessary to protect his dog or other people and therefore that the killing was not justified.

Numerous other cases dating back to the late nineteenth century address the issue of justification. The courts have found that the following are not legally sufficient justifications for acts of cruelty:\textsuperscript{14}

- A person’s “desire for amusement and sport”
- A person’s “impulse of anger”
- An animal’s previous offense, such as trespassing.

Although rather old, the cases cited interpret and apply statutes that are quite similar to North Carolina’s current cruelty statute.\textsuperscript{15} As such, they pro-

\begin{itemize}
\item \textsuperscript{14} State v. Porter, 112 N.C. 887, 16 S.E. 915 (1893) (“Since the enactment of [the cruelty] statute, it has been unlawful in this state for a man to gratify his angry passions or his love for amusement and sport at the cost of wounds and death to any useful creature over which he has control.”); Neal, 120 N.C. at 619, 27 S.E. at 84 (rejecting the defendant’s claim that killing chickens out of an “impulse of anger” was legally justified and therefore did not constitute cruelty); State v. Dickens, 215 N.C. 303, 305, 1 S.E.2d 837, 839 (1939) (“The right to slay him cannot be justified by [the dog’s] previous act of bursting in through a door, or by the fact that his body emitted an odor peculiar to dogs, but is founded only on the right to protect person or property.”).
\item \textsuperscript{15} Until 1998 the statute did not specifically state that the act must be without justification. Instead, it provided that the act needed to have been done willfully. N.C. Code § 2482 (1883). Earlier, courts interpreted the term \textit{willfully} to mean more than just intentionally; they required a showing that the act was done “without just cause, excuse,
vide useful guidance in determining what constitutes a legally defensible justification.

The only other term specifically defined in the misdemeanor cruelty law is *torment*, which refers to “any act, omission or neglect causing or permitting unjustifiable pain, suffering, or death.”

Felony Cruelty
The felony animal cruelty law is distinguishable from the misdemeanor in two significant ways. First, it identifies several specific acts of cruelty that are arguably more brutal, such as mutilation and poisoning. Second, it requires a different level of intent: a felony prosecution must show that the person acted maliciously rather than merely intentionally.

Under the statute, it is a Class I felony for a person to maliciously

- torture,
- mutilate,
- maim,
- cruelly beat,
- disfigure,
- poison, or
- kill an animal.

A person may also be charged with a felony if he or she causes or procures an act resulting in one of these seven types of cruelty. The terms *torture* and *cruelly* are synonymous with *torment* as used in the misdemeanor law in that they refer to “any act, omission or neglect causing or permitting unjustifiable pain, suffering, or death.”

The statute defines the term *maliciously* to mean that the act is committed not only intentionally but also with malice or bad motive. Given that *malicious* incorporates *intentionally*, the statutory definitions of both terms are relevant when considering the full meaning of *maliciously*. Because *intentionally* is defined as “knowingly and without justifiable excuse,” an act of cruelty is

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16. G.S. 14-360(c). Interestingly, the law applies the same definition to two other terms that are used in the context of felony cruelty: *torture* and *cruelly*.
17. See n. 9 above for the sole use of the term *maliciously* in the misdemeanor statute.
18. Note that a separate law applies if a person injures or kills an animal used for law enforcement purposes. G.S. 14-163.1 (see discussion below).
19. G.S. 360(b)
20. G.S. 14-360(c).
21. *Id.*
If it is committed knowingly (with awareness of or consciousness of what one is doing), without a justifiable excuse, and with malice or bad motive.\textsuperscript{22}

It is not entirely clear, however, how the term *malice*, which was added to the statute in 1998, would be interpreted and applied in the context of an animal cruelty case.\textsuperscript{23} In homicide cases, North Carolina courts have recognized three meanings for the term:\textsuperscript{24}

- the act is done with ill will, hatred, or spite;\textsuperscript{25}
- the act that causes death is inherently dangerous to human life and is done so recklessly or wantonly that it reflects disregard of life and social duty; or
- the act is done intentionally and without just cause, excuse, or justification.

These meanings may or may not be appropriate to apply to a felony cruelty case.\textsuperscript{26} The third meaning is probably not the most reasonable choice because it overlaps in large part with the statute’s definition of *intentionally*—the state of mind required for a charge of misdemeanor cruelty. As discussed above, the definition of *maliciously* in the felony statute incorporates intention and goes further by adding “with malice or bad motive.” By including this additional language, the General Assembly probably intended to require different states of mind for the Class 1 misdemeanor versus the felony cruelty.\textsuperscript{27}

\textsuperscript{22.} Id.

\textsuperscript{23.} S.L. 1998-212, sec. 17.16(c).

\textsuperscript{24.} See Smith, *North Carolina Crimes*, 4; see also State v. Reynolds, 307 N.C. 184, 297 S.E.2d 532 (1982) (discussing the three types of malice recognized in this state).

\textsuperscript{25.} See State v. Conrad, 275 N.C. 342, 352, 168 S.E.2d 39, 46 (1969) (explaining that the term *malicious* in the context of a statute criminalizing property damage “connotes a feeling of animosity, hatred or ill will toward the owner, the possessor, or the occupant).

\textsuperscript{26.} In an unpublished animal cruelty opinion, the Court of Appeals appeared to rely primarily on the third meaning when it explained that “malice can be ‘the condition of the mind which prompts a person to intentionally inflict serious bodily harm which proximately results in injury without just cause, excuse or justification.’” State v. Dockery, 634 S.E.2d 641, 2006 WL 2671342 (N.C. App. Sept. 19, 2006) (citing State v. Sexton, 357 N.C. 235, 237–38, 581 S.E.2d 57, 58–59 (2003)). While it is important to be aware of this decision, it should not be cited as precedent. According to the North Carolina Rules of Appellate Procedure, “an unpublished decision of the North Carolina Court of Appeals does not constitute controlling legal authority.” North Carolina Rules of Appellate Procedure, Rule 30(e), www.aoc.state.nc.us/www/public/html/pdf/therules.pdf (last visited May 20, 2008).

\textsuperscript{27.} 2A SUTHERLAND STATUTORY CONSTRUCTION § 46:06 at 181 (6th ed. 2000) (“It is an elementary rule of statutory construction that effect must be given, if possible, to every word, clause and sentence of a statute.”).
Exceptions

There are several important exceptions to the misdemeanor and felony cruelty laws. These laws do not apply to

- the taking of animals under the jurisdiction of the Wildlife Resources Commission (WRC), except for those wild birds exempted from the WRC’s regulatory definition of “wild birds” (see discussion below),
- activities conducted for the purpose of biomedical research or training,
- activities conducted for the purpose of producing livestock, poultry, or aquatic species,
- activities conducted for the primary purpose of providing food for human or animal consumption,
- activities conducted for veterinary purposes,
- the destruction of any animal for the purposes of protecting the public, other animals, or the public health, and
- the physical alteration of livestock or poultry for the purpose of conforming with breed or show standards.

To be excepted from the criminal law, these six activities must be carried out lawfully. For example, a person who uses an animal for biomedical research in a way not authorized by law may be charged with cruelty.

The language referring to “wild birds” in the wildlife exception has given rise to some confusion in recent years. Before addressing that confusion, it is important to have a clear understanding of the statutory language. Under current wildlife laws, wild (undomesticated) birds that are native to North Carolina are under the WRC’s jurisdiction. A WRC regulation exempts four species of nonnative wild birds from its jurisdiction. Because the cruelty statute explicitly provides that any wild bird not included in the WRC’s definition

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28. The cruelty law excepts the “lawful taking of animals under the jurisdiction and regulation of the Wildlife Resources Commission, except that this section shall apply to those birds exempted by the Wildlife Resources Commission from its definition of ‘wild birds’ pursuant to G.S. 113-129(15a).” G.S. 113-129(15a) defines the term wild birds as follows:

Migratory game birds; upland game birds; and all undomesticated feathered vertebrates. The Wildlife Resources Commission may by regulation list specific birds or classes of birds excluded from the definition of wild birds based upon the need for protection or regulation in the interests of conservation of wildlife resources.

29. N.C. ADMIN. CODE tit 15A, ch. 10B, § .0121 (hereinafter N.C.A.C.). The four exempt species are English sparrow (Passer domesticus), pigeon (Columba livia), mute swan (Cygnus olor), and starling (Sturnus vulgaris). 15A N.C.A.C. 10B .0121.
is protected under the cruelty statute, a person could be charged with criminal cruelty for actions related to birds of the four exempt species. The wild bird exception was litigated for several years in *Malloy v. Cooper*, which involved a biannual pigeon shoot.\(^30\) John Malloy, the plaintiff, sponsored the sporting activity on his property and was concerned that he would be charged with criminal cruelty in connection with the shoot. At the time of the litigation, the WRC exempted only “domestic pigeons,” rather than “pigeons,” from its jurisdiction.

Malloy asked the court to interpret the law prior to his scheduled pigeon shoot. The Court of Appeals concluded that because domestic and feral pigeons are genetically identical, the cruelty statute was “unconstitutionally vague”: people would not know whether they were shooting a domestic pigeon (protected by the cruelty statute) or a feral pigeon (arguably not protected by the cruelty statute). The court explained that the law failed “to give a person a reasonable opportunity to know whether shooting particular pigeons is prohibited, and fail[ed] to provide standards for those applying the law.”\(^31\) Because the law was found to be unconstitutional as applied to Malloy’s situation, the court stated that it was unenforceable against him.

Shortly after the court issued its decision, the WRC amended its regulation to exempt all pigeons from the definition of “wild bird.”\(^32\) As a result, it is clear now that all pigeons, domestic and feral, are protected by the cruelty statute.

**Instigating and Promoting Cruelty**

Even a person who does not directly hurt an animal may be found criminally responsible for instigating or promoting cruelty. A separate statute makes it a Class 1 misdemeanor to “willfully set on foot, or instigate, or move to, carry on, or promote, or engage in, or do any act towards the furtherance of any act of cruelty to any animal.”\(^33\)

While there are no reported North Carolina decisions interpreting this law, courts in several other states have interpreted similar laws. In Arkansas, for example, the court of appeals upheld a woman’s conviction for “promoting” dog fighting based on evidence indicating that she was “aware that on property owned by her and her husband an arena had been built for the specific purpose of clandestine dog fighting and that she was aware that it was being so used.”\(^34\)

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31. *Id.* at 510, 592 S.E.2d at 22.
32. 18 N.C. Reg. 1598, 1599 (March 15, 2004).
33. G.S. 14-361.
Reporting Animal Cruelty
North Carolina law does not require any person to report suspected animal cruelty. However, a veterinarian who has reasonable cause to believe that an animal has been subject to cruelty will be protected from civil and criminal liability—as well as any professional disciplinary action—for reporting cruelty, participating in a cruelty investigation, or testifying in cruelty-related judicial proceedings. The state law also protects veterinarians from disciplinary actions by the North Carolina Veterinary Medical Board for failing to report suspected cruelty.

Animal Fighting Exhibitions
In addition to the general cruelty law discussed above, several statutes address specific types of cruelty. Of these statutes, the animal fighting laws are probably used most frequently by local governments. Three separate animal fighting statutes govern cockfighting, dogfighting and baiting, and exhibitions featuring fights between or among all other animals.

North Carolina law does not define the terms fighting and baiting, but some other jurisdictions do. The District of Columbia, for example, defines fighting as “an organized event wherein there is a display of combat between [two] or more animals in which the fighting, killing, maiming, or injuring of an animal is a significant feature, or main purpose, of the event.” The term baiting means “to attack with violence, to provoke, or to harass an animal with one or more animals for the purpose of training an animal for, or to cause an animal to engage in, fights with or among other animals.”

Cockfighting
Under North Carolina the law, it is a Class I felony to be involved in the sport of cockfighting. Specifically, it is illegal for a person to

• instigate, promote, or conduct a cockfight,
• be employed at a cockfight,
• allow property under his or her ownership or control to be used for a cockfight,
• participate as a spectator at a cockfight, or
• profit from a cockfight.

35. G.S. 14-360.1. This provision was added to the statute in 2007. S.L. 2007-232.
37. G.S. 14-362. This law was amended in 2005 to increase the penalty from a misdemeanor to a felony. S.L. 2005-437.
The law further states that a lease of property that is either used for or intended to be used for a cockfighting exhibition is void and that a landlord who learns that the property is being used or will be used for cockfighting must evict the tenant immediately. Some states have also elected to criminalize the ownership of fighting cocks and fighting implements, but North Carolina has not done so. 38

Dogfighting and Baiting
The dogfighting and dog baiting law is similar to the cockfighting law but goes a bit further. It begins with the same general provisions, making it illegal for a person to

• instigate, promote, or conduct a dogfight,
• be employed at a dogfight,
• allow property under his or her ownership or control to be used for a dogfight,
• participate as a spectator at a dogfight, or
• profit from a dogfight.

The dogfighting and baiting law also makes it illegal for a person to

• provide a dog for a dogfight
• gamble on a dogfight, or
• own, possess, or train a dog with the intent that the dog be used in an exhibition featuring the fighting or baiting of that dog.

The law includes the same language as the cockfighting law in regard to leases of property used for fighting and the duty of a landlord to evict tenants immediately. A violation of the dogfighting and baiting law is a Class H felony, which is one classification higher than cockfighting.

The law was recently amended to address some confusion regarding the scope of the dogfighting law. Language was added to clarify that the law applies to fights between two dogs or between a dog and any other animal. 39 In addition, provisions have been added stating that the dogfighting and baiting law does not prohibit the use of dogs

• for lawful hunting activities governed by the Wildlife Resources Commission, 40

39. S.L. 2006-113, sec. 3.1
40. Id.
• as herding dogs engaged in the working of domesticated livestock for agricultural, entertainment, or sporting purposes,\(^{41}\) or
• in certain earthdog trials.\(^{42}\)

An earthdog trial is a sporting event in which certain breeds of dogs, specifically terriers and dachshunds, attempt to locate a “quarry” (such as a caged rat) that is in an underground den. According to the American Kennel Club, the trials are designed to test the dog’s “natural aptitude and trained hunting and working behaviors when exposed to an underground hunting situation.”\(^{43}\) To be considered exempt from the fighting and baiting law, earthdog trials must be sanctioned or sponsored by an entity approved by the commissioner of agriculture, and the quarry must be kept separate from the dogs by a sturdy barrier and have access to food and water.

Fighting of Other Animals

The third and final criminal fighting statute applies to all animals other than cocks and dogs.\(^{44}\) This law is virtually identical to the dogfighting and baiting law, with two exceptions. First, it does not specifically prohibit gambling on these animal fighting exhibitions, even though gambling on such exhibitions is illegal under a different criminal statute.\(^{45}\) Second, the criminal penalties are different. A person who violates this law is guilty of a Class 2 misdemeanor. A subsequent violation for specified acts within three years is a Class I felony.\(^{46}\)

\(^{41}\) S.L. 2007-181.

\(^{42}\) S.L. 2007-180.


\(^{44}\) G.S. 14-362.1.

\(^{45}\) G.S. 14-292 (“[A]ny person or organization that operates any game of chance or any person who plays at or bets on any game of chance at which any money, property or other thing of value is bet, whether the same be in stake or not, shall be guilty of a Class 2 misdemeanor.”). Under the law, animal fighting exhibitions are considered “games of chance” rather than games of skill, even though there may be some skill involved on the part of the animals. See, e.g., State v. Brown, 221 N.C. 301, 307, 20 S.E.2d 286, 291 (1942) (concluding that horse racing is a game of chance, regardless of the fact that racing involves skill on the part of the jockey and the horse).

\(^{46}\) It is a felony only if the second offense is for one of the following: instigating, promoting, conducting, being employed at, providing an animal for, or profiting from an animal fighting exhibition. The felony penalty does not apply to owning or possessing an animal, training an animal to fight, or participating as a spectator at an exhibition. G.S. 14-362.1(d).
Spectators at Fighting Exhibitions

All three of the state’s animal fighting laws make it a crime to be a spectator at a fighting exhibition. According to the Humane Society of the United States (HSUS), watching a dogfight is a crime in all but four states (Georgia, Idaho, Hawaii, and Montana). HSUS asserts that spectators should be held criminally responsible because they provide the funding, through admission fees and gambling, for the exhibitions.

Recently in North Carolina, a person convicted of being a spectator at a dogfight challenged the constitutionality of this provision, arguing that the state had exceeded the scope of its authority. The Court of Appeals upheld the law, explaining that it is a valid exercise of the state’s police power because it is “substantially related” to the object of discouraging dogfighting exhibitions: “If no one attended the dogfights, either for amusement or profit, dogfighting as a group activity would be in jeopardy.” One of the three judges dissented from the decision. He agreed with the majority’s conclusion that the dogfighting law is constitutional but believed that the state should have offered more evidence establishing that the defendant in this case actually “participated” as a spectator. Specifically, the judge seemed troubled by the fact that the law enforcement official who arrested the spectators testified that “he did not observe whether defendant was actually watching the dogfight.”

The chart on p. 13 shows the actions prohibited in the three state laws governing animal fighting exhibitions. The dogfighting law is the most comprehensive, while the cockfighting law is the least comprehensive.

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50. Id. at 676–77, 557 S.E.2d at 123–24 (Wynn, J., dissenting). A similar animal fighting spectator law was challenged in Colorado when a journalist videotaping and reporting on a dogfight was convicted. People v. Bergen, 883 P.2d 532 (Colo. App. 1994). The court rejected the reporter’s argument that he should not have been arrested because his journalistic activities were protected by the First Amendment. The court explained that the law did not prevent the reporter from gathering information about dogfighting but did prohibit anyone from attending a dogfight.
A Comparison of North Carolina’s Criminal Laws Governing Animal Fighting Exhibitions

<table>
<thead>
<tr>
<th>Activity</th>
<th>Birds</th>
<th>Dogs</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Instigating a fight</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Promoting a fight</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Conducting a fight</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Being employed at a fight</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Providing an animal for a fight</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Allowing property owned or controlled to be used for a fight</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Participating as a spectator at a fight</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Gambling on a fight</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Profiting from a fight</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Owning, possessing, or training an animal for use in fighting exhibitions</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
</tbody>
</table>

Animal Fighting under Federal Law

At the federal level, the Animal Welfare Act criminalizes various activities related to “animal fighting ventures”—defined as an “event which involves a fight between at least two animals and is conducted for purposes of sport, wagering, or entertainment.”51 The federal law generally supplements state laws governing fighting and only overrides a state or local animal fighting law if it is in “direct and irreconcilable conflict” with the federal statute.52

Four general categories of activities are prohibited under the federal law:

- Sponsoring or exhibiting an animal in an animal fighting venture when any animal in the venture has been moved via interstate or foreign commerce.53
- Buying, selling, delivering, or transporting an animal via interstate or foreign commerce for the purpose of having it participate in an animal fighting venture.54

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51. 7 U.S.C. § 2156(g)(1). Hunting-related activities are excluded from the definition.
52. 7 U.S.C. § 2156(h) (“The provisions of this chapter shall not supersede or otherwise invalidate any such State, local, or municipal legislation or ordinance relating to animal fighting ventures except in case of a direct and irreconcilable conflict between any requirements thereunder and this chapter or any rule, regulation, or standard hereunder.”).
53. 7 U.S.C. § 2156(a)(1). There is a narrow exception to the law that applies to fighting ventures involving live birds (i.e., cockfights) in states where the venture is legal.
54. Id. at § 2156(b). The law also applies if a person “receives” an animal for the purpose of transporting it to another another state or country where it will be used in an animal fighting venture.
• Using the mail service or any instrumentality of interstate commerce to promote or in any other manner further an animal fighting venture.\textsuperscript{55}

• Buying, selling, delivering, or transporting in interstate or foreign commerce a knife, gaff, or any other sharp instrument attached, or designed to be attached, to the leg of a bird for use in an animal fighting venture.\textsuperscript{56}

Because of constitutional limitations on federal authority, these provisions all relate to the transport of the animals, equipment, or information through interstate or foreign commerce.\textsuperscript{57} Thus, a fighting venture or sale of cockfighting implements that is wholly intrastate would not be subject to federal law; that is, if the animal fight took place in a single state, the animals were not transported across state lines, and no communication about the fight was sent across state lines through the mail or other means.

This federal law is enforced by the Animal and Plant Health Inspection Service and the Office of the Inspector General of the U.S. Department of Agriculture.\textsuperscript{58} For each violation, a person found guilty may be imprisoned for up to three years, fined, or both fined and imprisoned.\textsuperscript{59}

\textsuperscript{55} Id. at § 2156(c). This portion of the law does not apply when the conduct is performed “outside the limits of the States of the United States.”

\textsuperscript{56} Id. at § 2156(e). This language was added by legislation that passed Congress in April 2007. Pub. L. No. 110-22 (to be codified at 18 U.S.C. § 49 and 7 U.S.C. § 2156).

\textsuperscript{57} See e.g., Slavin v. U.S., 403 F.3d 522 (8th Cir. 2005) (upholding the statute as a constitutional exercise of federal authority to regulate interstate commerce).


\textsuperscript{59} Pub. L. No. 110-22 (to be codified at 18 U.S.C. § 49). The penalty was increased from a misdemeanor to a felony in April 2007. Animal Fighting Prohibition Enforcement Act of 2007, H.R. 137, 110th Cong. (2007). The House committee report endorsing the legislation explained that increasing the penalty to a felony would lead to more prosecutions. H.R. Rep. No 110-27, pt. 1, at 2 (2007) (“Prohibitions against knowingly selling, buying, transporting, delivering, or receiving an animal in interstate or foreign commerce for the purposes of participation in an animal fighting venture were added to the Animal Welfare Act in 1976, with misdemeanor penalties of up to $5,000 in fines and up to 1 year in prison. Since then, Federal authorities have pursued fewer than a half dozen animal fighting cases, despite receiving numerous tips from informants and requests to assist with state and local prosecutions. The animal fighting industry continues to thrive within the United States, despite 50 State laws that ban dogfighting and 48 State laws that ban cockfighting. . . . By increasing penalties to the felony level, H.R. 137
Other Criminal Laws

State and federal law also criminalize other specific activities that involve cruelty or mistreatment of animals. Under federal law, for example, it is a crime to create, sell, or possess a depiction of animal cruelty with the intention of placing the depiction in interstate or foreign commerce for commercial gain.\(^{60}\)

Poison Control

In North Carolina three separate statutes address the poisoning of animals. One makes it unlawful to throw or leave a poisonous shrub, plant, tree, or vegetable exposed on any city street, alley, or open lot or on a public road anywhere in the state.\(^{61}\) Another prohibits placing strychnine, other poisonous compounds, or ground glass on any food left in several specific open areas where animals might roam. The same law also prohibits leaving open containers of antifreeze in those same open areas.\(^{62}\) A violation of either of these two laws is a misdemeanor. The third poisoning statute makes it a felony to poison livestock.\(^{63}\)

Law Enforcement and Assistance Animals

Law enforcement and assistance animals have special protections under both state and federal law.\(^{64}\) Under state law, a person who knows or has reason to
know that an animal is a law enforcement agency animal or an assistance animal and

- willfully causes or attempts to cause serious harm to the animal is guilty of a Class I felony.65
- willfully causes or attempts to cause harm to the animal is guilty of a Class 1 misdemeanor.66
- willfully taunts, teases, harasses, delays, obstructs or attempts to delay or obstruct the animal in the performance of its duty is guilty of a Class 2 misdemeanor.67

Under this law, the term *harm* means “any injury, illness, or other physiological impairment; or any behavioral impairment that impedes or interferes with duties performed by” the animal.68 The term *serious harm*, which is used in the context of the felony, is defined to include any harm that

- creates a substantial risk of death,
- causes maiming or substantial loss or impairment of bodily function,
- causes acute pain of a duration that results in substantial suffering,
- requires retraining of the animal, or
- requires retirement of the animal.69

In June 2007 the General Assembly enacted legislation to amend this law to also make it a Class H felony to willfully kill or attempt to kill a law enforcement or assistance animal.70 Under federal law, it is a crime to willfully and maliciiously harm a dog or horse used by a federal agency to enforce the law, detect criminal activity, or apprehend criminals.71

Other Cruelty-Related Misdemeanors

*Abandonment.* It is a Class 2 misdemeanor In North Carolina for a person who owns, possesses, or has charge or custody of an animal to willfully abandon it without a justifiable excuse.72

65. G.S. 14-163.1(b).
66. G.S. 14-163.1(c).
67. G.S. 14-163.1(d).
68. G.S. 163.1(a)(3).
70. S.L. 2007–80. The legislation also allows a court to consider as an aggravating factor for sentencing purposes evidence indicating that the animal seriously harmed or killed was engaged in the performance of its official duties. *Id.* at sec. 2 (amending G.S. 15A-1340.16).
72. G.S. 14-361.1.
Unlawful restraint. A person will be guilty of a Class 1 misdemeanor if he or she maliciously restrains a dog using a chain or wire that is much larger or heavier than is needed to restrain the dog safely. In the context of this law, the term maliciously means that the person used the restraint (1) intentionally and (2) with malice or bad motive.

Conveying animals. It is a Class 1 misdemeanor to convey an animal in or upon a vehicle or other conveyance in a cruel or inhuman manner. The law provides that when someone is taken into custody for a violation of this law, the officer has the authority to take charge of the conveyance and take steps to recover the costs of maintaining it while the person is in custody.

Disposition of certain young animals. It is a Class 3 misdemeanor in North Carolina to sell, offer for sale, barter, or give away as premiums (or prizes) certain young animals as pets or novelties. The law applies to chicks, ducklings, or other fowl, and rabbits under eight weeks of age.

Often when a person is charged with a cruelty-related offense, law enforcement or animal control officials seize the animals as evidence or to protect them. As a result, the local government may incur significant expenses in providing care and shelter for the seized animals. State law allows certain groups—including animal shelters operated by or under contract with a local government—to recover some of these costs. For a full discussion of this cost-recovery mechanism, see the discussion in Chapter 2 beginning on page 36.

Local Laws

Local governments have long had the authority to regulate the treatment of animals. Cities and counties have specific statutory authority to “define and prohibit the abuse of animals.” They can also “define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the city, and may define and abate nuisances.” The combination of these two statutory grants of authority provides local governments with relatively broad authority in this field.

73. G.S. 14-362.3.
74. G.S. 14-363.
75. Specifically, the law allows the officer to incur expenses necessary to keep and sustain the vehicle and to impose a lien on the vehicle that the defendant must pay before reclaiming the vehicle.
76. G.S. 14-363.1.
77. G.S. 19A-70.
78. See G.S. 153A-127 (counties); 160A-182 (cities).
This authority is not, however, without limits. Specifically, an ordinance must not

- infringe a liberty guaranteed to the people by the state or federal constitution;
- make unlawful an act, omission, or condition that is expressly made lawful by state or federal law;
- make lawful an act, omission, or condition expressly made unlawful by state or federal law;
- purport to regulate a subject that local governments are expressly forbidden to regulate by state or federal law;
- purport to regulate a field that a state or federal statute clearly reflects a legislative intention to provide a complete and integrated regulatory scheme exclusive of local regulation; or
- define the elements of an offense in a way that is identical to the elements of an offense defined by state or federal law.80

In short, a local ordinance may regulate the same conduct as a state or federal law, but it must not duplicate or undermine the other law. Rather, it should impose higher standards or expectations within the jurisdiction. Given the broad scope of state and federal cruelty-related laws, local government officials drafting a local ordinance need to be familiar with these laws to ensure that they do not run afoul of the restrictions described above.81 An example of a local ordinance that appropriately builds on state law is Asheville’s ordinance that prohibits leaving animals in motor vehicles under conditions that would endanger their health or well-being.82 While leaving an animal confined in a hot car could be considered cruelty under the state’s general cruelty statute, sin-

80. G.S. 160A-174(b). While these limitations are named only in the law governing municipalities, the courts have consistently applied them to counties as well. See State v. Tenore, 280 N.C. 238, 248, 185 S.E.2d 644, 650 (1972).
81. See G.S. 153A-121 (general ordinance making power of counties); G.S. 160A-174 (general ordinance making power of cities).
82. Asheville Code of Ordinances, § 2-12(e) (“It shall be unlawful for any person to place or confine an animal or allow an animal to be placed or confined in a motor vehicle under such conditions or for such a period of time as to endanger the health or well-being of such animal due to temperature, lack of food or drink, or such other conditions as may reasonably be expected to cause suffering, disability, or death. After making a reasonable effort to find the driver of a vehicle in which an animal is confined, the animal control officer, in the presence of a law enforcement officer, may use the least intrusive means to enter the vehicle if necessary to remove the animal, where reasonable cause exists to believe the animal may die if not immediately removed.”).
gling out this action in a local ordinance is a reasonable means of addressing a specific local concern without risking explicit duplication of state law.

In some jurisdictions, board of health rules govern animal control and may include provisions related to cruelty or abuse. A board of health is most likely to become involved in animal control if the local health department is the agency with administrative responsibility for the county’s animal control program. Yet, even though boards of health may play some oversight role of animal control activities by virtue of the health department’s administrative role, it is not clear that they have the legal authority to adopt comprehensive animal control rules. Under state law, the rule-making authority of boards of health is limited to rules necessary to “protect and promote the public health.” The term public health usually refers to issues affecting human health. Therefore, while a board of health may appropriately adopt a rule governing rabies, it may not be appropriate for the board to adopt rules on animal issues unrelated to human health, such as cruelty or nuisance animals.

Conclusion
All three levels of government—federal, state, and local—address animal cruelty in different contexts and assign different penalties. The criminal laws discussed above provide several possible avenues for responding to alleged cruelty, while the civil remedies discussed in the next chapter offer individuals and government officials an entirely different remedy—a civil injunction. Both the civil and criminal remedies should be considered when evaluating the appropriate response to an act of animal cruelty.

Relevant Statutes

Article 23 of Chapter 14
Trespasses to Personal Property.

§ 14-163. Poisoning livestock.
If any person shall willfully and unlawfully poison any horse, mule, hog, sheep or other livestock, the property of another, such person shall be punished as a Class I felon.

§ 14-163.1. Assaulting a law enforcement agency animal or an assistance animal.
(a) The following definitions apply in this section:
(1) Assistance animal. – An animal that is trained and may be used to assist a “person with a disability” as defined in G.S. 168A-3. The term “assistance animal” is not limited to a dog and includes any animal trained to assist a person with a disability as provided in Article 1 of Chapter 168 of the General Statutes.
(2) Law enforcement agency animal. – An animal that is trained and may be used to assist a law enforcement officer in the performance of the officer’s official duties.
(3) Harm. – Any injury, illness, or other physiological impairment; or any behavioral impairment that impedes or interferes with duties performed by a law enforcement agency animal or an assistance animal.
(4) Serious harm. – Harm that does any of the following:
a. Creates a substantial risk of death.
b. Causes maiming or causes substantial loss or impairment of bodily function.
c. Causes acute pain of a duration that results in substantial suffering.
d. Requires retraining of the law enforcement agency animal or assistance animal.
e. Requires retirement of the law enforcement agency animal or assistance animal from performing duties.
(b) Any person who knows or has reason to know that an animal is a law enforcement agency animal or an assistance animal and who willfully causes or attempts to cause serious harm to the animal is guilty of a Class I felony.
(c) Unless the conduct is covered under some other provision of law providing greater punishment, any person who knows or has reason to know that an animal is a law enforcement agency animal or an assistance animal and who willfully causes or attempts to cause harm to the animal is guilty of a Class 1 misdemeanor.

(d) Unless the conduct is covered under some other provision of law providing greater punishment, any person who knows or has reason to know that an animal is a law enforcement agency animal or an assistance animal and who willfully taunts, teases, harasses, delays, obstructs, or attempts to delay or obstruct the animal in the performance of its duty as a law enforcement agency animal or assistance animal is guilty of a Class 2 misdemeanor.

(d1) A defendant convicted of a violation of this section shall be ordered to make restitution to the person with a disability, or to a person, group, or law enforcement agency who owns or is responsible for the care of the law enforcement agency animal for any of the following as appropriate:

1. Veterinary, medical care, and boarding expenses for the assistance animal or law enforcement animal.
2. Medical expenses for the person with the disability relating to the harm inflicted upon the assistance animal.
3. Replacement and training or retraining expenses for the assistance animal or law enforcement animal.
4. Expenses incurred to provide temporary mobility services to the person with a disability.
5. Wages or income lost while the person with a disability is with the assistance animal receiving training or retraining.
6. The salary of the law enforcement agency animal handler as a result of the lost services to the agency during the time the handler is with the law enforcement agency animal receiving training or retraining.
7. Any other expense reasonably incurred as a result of the offense.

(e) This section shall not apply to a licensed veterinarian whose conduct is in accordance with Article 11 of Chapter 90 of the General Statutes.

(f) Self-defense is an affirmative defense to a violation of this section.

(g) Nothing in this section shall affect any civil remedies available for violation of this section.
Article 47 of Chapter 14
Cruelty to Animals.

§ 14-360. Cruelty to animals; construction of section.
   (a) If any person shall intentionally overdrive, overload, wound, injure, torment, kill, or deprive of necessary sustenance, or cause or procure to be overdriven, overloaded, wounded, injured, tormented, killed, or deprived of necessary sustenance, any animal, every such offender shall for every such offense be guilty of a Class 1 misdemeanor.
   (a1) If any person shall maliciously kill, or cause or procure to be killed, any animal by intentional deprivation of necessary sustenance, that person shall be guilty of a Class A1 misdemeanor.
   (b) If any person shall maliciously torture, mutilate, maim, cruelly beat, disfigure, poison, or kill, or cause or procure to be tortured, mutilated, maimed, cruelly beaten, disfigured, poisoned, or killed, any animal, every such offender shall for every such offense be guilty of a Class I felony. However, nothing in this section shall be construed to increase the penalty for cockfighting provided for in G.S. 14-362.
   (c) As used in this section, the words “torture”, “torment”, and “cruelly” include or refer to any act, omission, or neglect causing or permitting unjustifiable pain, suffering, or death. As used in this section, the word “intentionally” refers to an act committed knowingly and without justifiable excuse, while the word “maliciously” means an act committed intentionally and with malice or bad motive. As used in this section, the term “animal” includes every living vertebrate in the classes Amphibia, Reptilia, Aves, and Mammalia except human beings. However, this section shall not apply to the following activities:
   (1) The lawful taking of animals under the jurisdiction and regulation of the Wildlife Resources Commission, except that this section shall apply to those birds exempted by the Wildlife Resources Commission from its definition of “wild birds” pursuant to G.S. 113-129(15a).
   (2) Lawful activities conducted for purposes of biomedical research or training or for purposes of production of livestock, poultry, or aquatic species.
   (2a) Lawful activities conducted for the primary purpose of providing food for human or animal consumption.
   (3) Activities conducted for lawful veterinary purposes.
   (4) The lawful destruction of any animal for the purposes of protecting the public, other animals, property, or the public health.
(5) The physical alteration of livestock or poultry for the purpose of conforming with breed or show standards.

§ 14-360.1. Immunity for veterinarian reporting animal cruelty.
Any veterinarian licensed in this State who has reasonable cause to believe that an animal has been the subject of animal cruelty in violation of G.S. 14-360 and who makes a report of animal cruelty, or who participates in any investigation or testifies in any judicial proceeding that arises from a report of animal cruelty, shall be immune from civil liability, criminal liability, and liability from professional disciplinary action and shall not be in breach of any veterinarian-patient confidentiality, unless the veterinarian acted in bad faith or with a malicious purpose. It shall be a rebuttable presumption that the veterinarian acted in good faith. A failure by a veterinarian to make a report of animal cruelty shall not constitute grounds for disciplinary action under G.S. 90-187.8.”

§ 14-361. Instigating or promoting cruelty to animals.
If any person shall willfully set on foot, or instigate, or move to, carry on, or promote, or engage in, or do any act towards the furtherance of any act of cruelty to any animal, he shall be guilty of a Class 1 misdemeanor.

§ 14-361.1. Abandonment of animals.
Any person being the owner or possessor, or having charge or custody of an animal, who willfully and without justifiable excuse abandons the animal is guilty of a Class 2 misdemeanor.

§ 14-362. Cockfighting.
A person who instigates, promotes, conducts, is employed at, allows property under his ownership or control to be used for, participates as a spectator at, or profits from an exhibition featuring the fighting of a cock is guilty of a Class 1 felony. A lease of property that is used or is intended to be used for an exhibition featuring the fighting of a cock is void, and a lessor who knows this use is made or is intended to be made of his property is under a duty to evict the lessee immediately.

§ 14-362.1. Animal fights and baiting, other than cock fights, dog fights and dog baiting.
(a) A person who instigates, promotes, conducts, is employed at, provides an animal for, allows property under his ownership or control to be used for, or profits from an exhibition featuring the fighting or baiting of an animal, other than a cock or a dog, is guilty of a Class 2 misdemeanor. A lease of property
that is used or is intended to be used for an exhibition featuring the fighting or baiting of an animal, other than a cock or a dog, is void, and a lessor who knows this use is made or is intended to be made of his property is under a duty to evict the lessee immediately.

(b) A person who owns, possesses, or trains an animal, other than a cock or a dog, with the intent that the animal be used in an exhibition featuring the fighting or baiting of that animal or any other animal is guilty of a Class 2 misdemeanor.

(c) A person who participates as a spectator at an exhibition featuring the fighting or baiting of an animal, other than a cock or a dog, is guilty of a Class 2 misdemeanor.

(d) A person who commits an offense under subsection (a) within three years after being convicted of an offense under this section is guilty of a Class I felony.

(e) This section does not prohibit the lawful taking or training of animals under the jurisdiction and regulation of the Wildlife Resources Commission.

§ 14-362.2. Dog fighting and baiting.

(a) A person who instigates, promotes, conducts, is employed at, provides a dog for, allows property under the person's ownership or control to be used for, gambles on, or profits from an exhibition featuring the baiting of a dog or the fighting of a dog with another dog or with another animal is guilty of a Class H felony. A lease of property that is used or is intended to be used for an exhibition featuring the baiting of a dog or the fighting of a dog with another dog or with another animal is void, and a lessor who knows this use is made or is intended to be made of the lessor's property is under a duty to evict the lessee immediately.

(b) A person who owns, possesses, or trains a dog with the intent that the dog be used in an exhibition featuring the baiting of that dog or the fighting of that dog with another dog or with another animal is guilty of a Class H felony.

(c) A person who participates as a spectator at an exhibition featuring the baiting of a dog or the fighting of a dog with another dog or with another animal is guilty of a Class H felony.

(d) This section does not prohibit the use of dogs in the lawful taking of animals under the jurisdiction and regulation of the Wildlife Resources Commission.

(e) This section does not prohibit the use of dogs in earthdog trials that are sanctioned or sponsored by entities approved by the Commissioner of Agriculture that meet standards that protect the health and safety of the dogs. Quarry at an earthdog trial shall at all times be kept separate from the dogs by a sturdy barrier, such as a cage, and have access to food and water.
(f) This section does not apply to the use of herding dogs engaged in the working of domesticated livestock for agricultural, entertainment, or sporting purposes.

§ 14-362.3. Restraining dogs in a cruel manner.
A person who maliciously restrains a dog using a chain or wire grossly in excess of the size necessary to restrain the dog safely is guilty of a Class 1 misdemeanor. For purposes of this section, “maliciously” means the person imposed the restraint intentionally and with malice or bad motive.

§ 14-363. Conveying animals in a cruel manner.
If any person shall carry or cause to be carried in or upon any vehicle or other conveyance, any animal in a cruel or inhuman manner, he shall be guilty of a Class 1 misdemeanor. Whenever an offender shall be taken into custody therefor by any officer, the officer may take charge of such vehicle or other conveyance and its contents, and deposit the same in some safe place of custody. The necessary expenses which may be incurred for taking charge of and keeping and sustaining the vehicle or other conveyance shall be a lien thereon, to be paid before the same can be lawfully reclaimed; or the said expenses, or any part thereof remaining unpaid, may be recovered by the person incurring the same of the owner of such animal in an action therefor.

§ 14-363.1. Living baby chicks or other fowl, or rabbits under eight weeks of age; disposing of as pets or novelties forbidden.
If any person, firm or corporation shall sell, or offer for sale, barter or give away as premiums living baby chicks, ducklings, or other fowl or rabbits under eight weeks of age as pets or novelties, such person, firm or corporation shall be guilty of a Class 3 misdemeanor. Provided, that nothing contained in this section shall be construed to prohibit the sale of nondomesticated species of chicks, ducklings, or other fowl, or of other fowl from proper brooder facilities by hatcheries or stores engaged in the business of selling them for purposes other than for pets or novelties.

§ 14-363.2. Confiscation of cruelly treated animals.
Conviction of any offense contained in this Article may result in confiscation of cruelly treated animals belonging to the accused and it shall be proper for the court in its discretion to order a final determination of the custody of the confiscated animals.
§ 14-368. Placing poisonous shrubs and vegetables in public places.
If any person shall throw into or leave exposed in any public square, street, lane, alley or open lot in any city, town or village, or in any public road, any mock orange or other poisonous shrub, plant, tree or vegetable, he shall be liable in damages to any person injured thereby and shall also be guilty of a Class 2 misdemeanor.

§ 14-401. Putting poisonous foodstuffs, antifreeze, etc., in certain public places, prohibited.
It shall be unlawful for any person, firm or corporation to put or place (i) any strychnine, other poisonous compounds or ground glass on any beef or other foodstuffs of any kind, or (ii) any antifreeze that contains ethylene glycol and is not in a closed container, in any public square, street, lane, alley or on any lot in any village, town or city or on any public road, open field, woods or yard in the country. Any person, firm or corporation who violates the provisions of this section shall be liable in damages to the person injured thereby and also shall be guilty of a Class 1 misdemeanor. This section shall not apply to the poisoning of insects or worms for the purpose of protecting crops or gardens by spraying plants, crops, or trees, to poisons used in rat extermination, or to the accidental release of antifreeze containing ethylene glycol.

§ 153A-127. Abuse of animals.
A county may by ordinance define and prohibit the abuse of animals.

§ 160A-182. Abuse of animals.
A city may by ordinance define and prohibit the abuse of animals.