

ORDINANCE 2015 / 27

AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA TO AMEND
SECTION CHAPTER 14 OF THE BEAUFORT COUNTY CODE OF LAWS REVISING
BEAUFORT COUNTY ANIMAL CONTROL

WHEREAS, Beaufort County Code Chapter 14, Article II, Section 14.26 – 14.37 shall be deleted and Standards included within this ordinance shall be added text; and

WHEREAS, the County Council of Beaufort County adopted the current Animal Control Ordinance in 2010; and

WHEREAS, the County Council of Beaufort County deems it appropriate to modify the Animal Control Ordinance to better address the health and safety of Beaufort County Citizens.

NOW, THEREFORE, BE IT ORDAINED by County Council of Beaufort County in a meeting duly assembled, the Beaufort County Code of Laws Section 14.26 et. seq., is hereby amended to read as follows:

ARTICLE II. ANIMAL CONTROL

Sec. 14.26 Authority for and Enactment of Chapter.

Sec. 14.27 Definitions.

Sec. 14.28 County Pet License; Rabies Vaccination Tags.

Sec. 14.29 Lifetime/Annual Pet License Issuance and Fees and Exemptions.

Sec 14.30 Declaration of Restricted Dog, Appeal of Breed Determination

Sec. 14.31 Pet Breeder License, Inspections and Fees.

Sec. 14.32 Dangerous Animals.

Sec. 14.33 Running at Large.

Sec. 14.34 Nuisance Pets or Livestock.

Sec. 14.35 Animal Cruelty.

Sec. 14.36 Sale of Animals, Pets, or Livestock.

Sec. 14.37 Seizure and Right of Entry to Protect Abandoned, Neglected, or Cruelly Treated Pets or Livestock.

Sec. 14.38 Impoundment.

Sec. 14.39 Redemption.

Sec. 14.40 Adoption.

Sec. 14.41 Trapping.

Sec. 14.42 Management of Feral Cat Colonies.

Sec. 14.43 Livestock.

Sec. 14.44 Importation of Exotic Animals Prohibited

Sec. 14.45 Rabies Control Act (S.C. State Law 47-5-10).

Sec. 14.46 Interference with Animal Services Officers.

Sec. 14.47 Enforcement and Penalties.

Sec. 14.26 Authority for and Enactment of chapter.

This article is hereby authorized by Section 47-3-20 of the South Carolina Code of Laws 1976, as amended.

Sec. 14.27 Definitions.

Whenever used in this chapter, unless a contrary intention is clearly evidenced, the following terms shall be interpreted as herein defined.

Abandonment shall mean to desert, forsake, or intend to give up absolutely a pet or livestock without securing another owner or without providing for adequate food, water, shelter, and care. An animal is considered abandoned when it has been left unattended for 24 hours.

Animal shall mean a live vertebrate creature except a human being.

Animal Services Director means any person so appointed by the county administrator.

Animal Services Officer shall mean any person employed by the county as an enforcement officer of the provisions of this chapter.

Animal Services Facility means any facility so designated by the county council.

BCAS shall mean Beaufort County Animal Services, any place or premises designated by Beaufort County Council for the purpose of impounding, care, adoption, or euthanasia of dogs and cats held under the authority of this chapter.

Breeder shall mean any person owning unaltered pets with the intent of selling pets' offspring.

Domestic shall mean any animal which shares the genetic makeup and/or physical appearance of its ancestors, which were historically domesticated for human companionship and service.

Dub to trim or remove.

Feral shall mean any animal that was domesticated at one time, but now lives in the wild or a controlled colony, or that have been born in the wild and have not been domesticated.

Livestock shall mean all classes and breed of animals, domesticated or feral, raised for use, sale or display.

Non-domestic shall mean any animal which shares the genetic makeup and/or physical appearance of its ancestors, which were not historically domesticated for human companionship and service.

Nuisance shall mean a pet or livestock that disturbs the rights of, threatens the safety of, or damages a member of the general public, or interferes with the ordinary use and enjoyment of their property.

Owner shall mean any person who:

1. Has a property right in an animal;
2. Keeps or harbors an animal or who has it in his or her care or acts as its custodian; or
3. Permits an animal to remain on or about any premises occupied by him or her for three or more days.

Pet shall mean any animal which may be legally held as a pet by a private citizen without special permit or permission; i.e., dog (*canis familiaris*) and/or a domestic cat (*felis catus domesticus*).

Pitbull shall mean any dog that is an American Pit Bull Terrier, American Staffordshire Terrier, Stafford Bull Terrier, or any dog that exhibits physical characteristics which predominantly conform to the standards established by the American Kennel Club (AKC), United Kennel Club (UKC), or American Dog Breeders Association (ADBA) for any of the above breeds.

Shelter shall mean a structure that reasonably may be expected to protect the animal from physical suffering or impairment of health due to exposure to the elements or adverse weather.

Tethering shall mean a chain, rope, leash, cable, or other device that attaches the pet to a single stationary point.

Strict Voice Control shall mean demonstrable control or governance of the behavior of any animal as if such animal were controlled by a leash. However, when an animal destroys or damages any property, attacks, threatens to attack, or interferes with any person in any manner, becomes a nuisance, or strays onto the private property of another, there shall be a presumption of law that the animal was not under strict voice control.

Unaltered shall mean a pet which has not been spayed or neutered.

Under restraint shall mean when any pet that is off the property of the owner is controlled by a leash; is within the property limits of its owner and is confined by fence, chain, or other appropriate measure or attended by its owner and responds to strict voice control; or confined by fence, chain, or other appropriate measure within the property of another with permission of the person in control of the property.

Sec. 14.28 County Pet License; Rabies Vaccination Tags.

It shall be unlawful for the owner of any pet to fail to provide any pet over four (4) months of age with a current county annual or lifetime license. The owner of any pet over four (4) months of age must also have a current rabies vaccination tag securely attached to a collar or harness and be visible as proof the pet has been vaccinated by a licensed veterinarian. No county license will be issued unless proof of inoculation is

shown. Any pet owner who moves into the county for the purpose of establishing residency shall have thirty (30) days in which to obtain the license.

Sec. 14.29 Lifetime/Annual Pet License Issuance, Fees and Exemptions.

- A. *Eligibility.* The owner of a pet four (4) months of age or older that is spayed/neutered and permanently identified may apply to BCAS for a lifetime license; the lifetime pet license is only for Beaufort County, South Carolina.
- B. *Permanent identification requirement.* A person applying for a lifetime license shall choose either a tattoo or the implantation of a microchip as the means of permanent identification for the pet. Lifetime licenses are transferable to new owners, upon the new owner completing a new BCAS pet license, permanent identification form, and new registration with the micro-chipping company.
- C. *Pets previously microchipped.* If a person has previously had a microchip implanted for his/her pet and seeks to obtain a lifetime license for the pet, the applicant shall:
 - 1. Obtain and complete both a lifetime license application and a verification of permanent identification form as prescribed by BCAS.
 - 2. Have a licensed veterinarian scan the pet to assure the microchip has been properly implanted and to obtain the identifying number of the microchip.
 - 3. The pet owner and the licensed veterinarian shall complete, date, and sign the verification of a permanent identification form for the pet in which the microchip was scanned. The verification of permanent identification form must set forth the identifying number of the microchip scanned, identify the pet by breed and delineate the age, sex, color, and markings and whether it has been spayed or neutered. In addition, it must contain the name, address, and phone number of the pet's owner and the name, business address, and phone number of the person scanning the microchip number. If a veterinarian is involved, the veterinarian shall set forth his/her veterinary practice license number on the verification of permanent identification form.
- D. *County License Fees.* The county license schedule of fees are as follows:

1. Pets previously sterilized and with permanent identification shall be a one-time fee of five dollars (\$5).
 2. Pets previously sterilized and provided with permanent identification by BCAS shall be charged a one-time microchip fee and five dollars (\$5) license fee.
 3. Fertile pets with a permanent identification shall be twenty dollars (\$20) annually. Fertile pet licenses will expire on June 30th of each year and are non-transferable.
 4. Fertile pets with no permanent identification shall be fifty dollars (\$50) annually and will be issued a metal tag to be worn at all times Fertile pet licenses will expire on June 30th of each year and are non-transferable.
- E. *Exemptions.* Exempt owners shall be required to pay a one-time microchip fee and will not be required to have the pet spayed/neutered. The following are exempt owners:
1. Any owner of a pet who can furnish a statement from a licensed veterinarian that the pet, due to health reasons, could not withstand spay/neuter surgery.
 2. Any owner of one or more purebred pets who can furnish proof of participation in nationally recognized conformation or performance events within the past twelve months.
 3. Any owner of a dog that is currently being used for hunting purposes. Owner must provide a copy of a valid South Carolina hunting license by the proper state agency and proof that the dog is properly registered with the South Carolina Department of Natural Resources.
 4. Any owner of a dog which is trained to be an assistance dog for its owner shall be required to obtain a lifetime license but shall not be required to pay any license fee.

Sec 14.30 Declaration of Restricted Dog, Appeal of Breed Determination

- A. For the purposes of this section, a restricted dog shall be defined as a pitbull.
- B. No person may own, keep, or harbor a restricted dog in violation of this section.

- C. An owner or custodian of restricted dogs must have the dog spayed or neutered unless the owner of the restricted dog provides BCAS written proof one of the following exemptions applies:
1. The restricted dog is less than four (4) months of age;
 2. A licensed veterinarian has examined the animal and signed a written certificate stating that at such time spaying or neutering would endanger the animal's health because its age, infirmity, disability or other medical consideration. The certificate shall state the period of exemption from this requirement and shall not be valid for more than twelve (12) months from the date of issuance.
 3. The determination of the dog's breed is under appeal pursuant to section 14.30(D)(2);
 4. The owner or custodian has owned or had custody of the dog less than thirty (30) days.
- D. Determination of Breed and Appeal of Determination:
1. Determination. The director of BCAS or his designee, in his or her discretion, make a breed determination upon contact with, or impoundment of a dog. The determination shall be made by the director or designee in accordance with BCAS's breed determination checklist. Technical deficiency in the dog's conformance to the standards defined in Section 14.27 for pitbulls shall not be construed to indicate the dog is not a pit bull dog under this section.
 2. Notice. Upon determination of the breed, the animal services officer shall deliver written notice of determination to the owner or any adult residing at the premises where the animal is located or by posting on the premises if no adult is present. The notice shall include the determination of breed, mandatory spay and neuter requirements, and notice of appeal process.
 3. The owner or custodian of an unaltered restricted dog shall comply with this ordinance within thirty (30) days after receipt of notice of breed determination. Upon compliance, the owner or custodian shall submit written documentation to BCAS confirming compliance. If ownership of the dog is transferred within the time for compliance the original owner or custodian must provide BCAS with the new owner's name and address.
- E. Appeal. Notice of a Declaration of Breed Determination constitutes a final determination that the dog is a restricted dog, unless the owner or custodian requests a hearing in writing to the Beaufort County Magistrate Court within ten (10) days of service of the notice

Sec. 14.31 Pet Breeder License, Inspection and Fees. It shall be unlawful for a pet breeder to fail to obtain a county pet breeder license. The requirements for such a license are as follows:

- A. Individuals engaged or intending to engage in breeding must obtain a non-transferable, pet breeder license from BCAS.

- B. Applicants must have a valid county pet license for all pets that have reached the age of four (4) months before applying for the pet breeder license.
- C. BCAS shall conduct an inspection of the identified property for the pet breed license requested by the applicant to determine whether the applicant qualifies to hold a pet breeder license pursuant to this section.
- D. To qualify for a pet breeder license the applicant must demonstrate the following:
 - 1. The enclosure where the pets are being kept shall be constructed in such a manner that any pets housed there will be adequately and comfortably kept in any season of the year.
 - 2. All pet enclosures must be constructed in such a manner they can be easily cleaned and sanitized. Any kennels or yards that are connected or are used to confine the pets must be kept clean and free from accumulations of feces, filth, mud, and debris.
 - 3. Every pet on the premises must have access to sufficient good and wholesome food, and water at all times.
 - 4. The premises must be set up in such a manner as to not allow pets to stray beyond its enclosed confines. The setup must also prevent the public and stray animals from obtaining entrance into or gaining contact with any pets on the premises.
- E. A license will not be issued to an applicant that has pled no contest, or has been found to have violated any federal, state, or local laws or regulations pertaining to animal cruelty within five (5) years of the date of application.
- F. The pet breeder license fee shall be one-hundred (\$100) dollars annually. The license shall expire on June 30th of each year.
- G. Any violations found under the provisions of this chapter shall be grounds for the suspension of the pet breeder license if deemed necessary by the Beaufort County Animal Services.

Sec. 14.32 Dangerous Animals.

A. For the purposes of this section, a dangerous or vicious animal shall be defined to be any one of the following:

1. An animal which the owner knows or reasonably should know has a propensity, tendency, or disposition to attack unprovoked, cause injury, or to otherwise endanger the safety of human beings or domestic animals;
2. An animal which makes an unprovoked attack that causes bodily injury to a human being and the attack occurs in a place other than the place where the animal is confined.
3. An animal which commits unprovoked acts in a place other than the place where the animal is confined and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to a human being;
4. An animal which is owned or harbored primarily or in part for the purpose of fighting or which is trained for fighting.
5. An animal which is used as a weapon in the commission of a crime.

B. Declaration of a Dangerous Animal, Confinement Requirements, and Final Determination of Dangerous Animal Declaration:

1. Declaration. An animal services officer or law enforcement officer, in his or her discretion, may declare an animal dangerous. Upon determination, the officer shall deliver written notice to the owner or any adult residing at the premises where the animal is located or by posting on the premises if no adult is present. The notice shall include a description of the animal, a hearing date, confinement requirements and registration requirements.
2. Confinement Requirements and Registration. Every dangerous animal, as determined under this section, shall be confined by the owner within 72 hours of the notice of dangerous dog determination and until the final determination of the dangerous dog declaration:
 - a. All dangerous animals shall be securely confined within an occupied house or residence or in a securely enclosed and locked pen or kennel,

except when leashed as provided in this section. Such pen, kennel or structure must have secure sides and a secure top attached to the sides.

- b. The pen or kennel must be clearly marked as containing a dangerous animal.
- c. No person shall permit a dangerous animal to go outside its kennel or pen unless such animal is securely leashed and muzzled with a leash no longer than six feet in length.
- d. The owner of a dangerous animal must provide BCAS with proof of liability insurance or surety bond of at least \$50,000.
- e. The owner must obtain a Dangerous animal registration/license from BCAS and pay a \$5 registration fee.

- 3. Final Determination of Dangerous Animal Declaration. Notice of a Declaration of a Dangerous Animal constitutes an initial determination that the animal is dangerous or potentially dangerous. A final determination shall be made by the Beaufort County Magistrate Court within thirty (30) days or as soon as practicable.

- C. Exemptions. A dog working in a law enforcement capacity with a governmental agency and in the performance of the dog's official duties.

Sec. 14.33 Running at Large.

- A. It shall be unlawful for any owner or custodian of any pet to permit the same to run at large except on property owned or rented by the owner or custodian. All pets must be kept under restraint or confinement and under the physical control of the owner or custodian by means of a leash or other similar restraining device.
- B. *Exemption.* Except as provided herein, no person shall bring or allow any dog, or any other animal on the beach that is not at all times on a leash between the hours of 10:00 a.m. and 5:00 p.m. from April 1st through the Thursday before Memorial Day weekend and from the Tuesday after Labor Day weekend through September 30th. No person shall bring or allow any dog, or any other animal, on the beach between the hours of 10:00 a.m. and 5:00 p.m. from the Friday before Memorial Day weekend through the Monday of Labor Day weekend. No person shall bring or allow any dog or any other animal on the beach that is not on a leash or under positive voice control of the responsible person between 5:00 p.m. and 10:00 a.m. from April 1st through

September 30th. No person shall bring or allow any dog or any other animal on the beach that is not on a leash or under positive voice control at any hour from October 1st through March 31st.

No person shall permit any excrement from any animal under that person's control to remain on the beach, but shall dispose of same in a sanitary manner.

From April 1st through the Thursday before Memorial Day weekend and from the Tuesday after Labor Day weekend through September 30th of each year, dogs or any other animal, other than seeing-eye dogs, shall not be allowed in any designated swimming area unless on a leash and walking through the area between 10:00 a.m. and 5:00 p.m.

- C. Exempt dogs. Dogs that are participating in hunting events, obedience trials, conformation shows, tracking tests, herding trials, lure courses and other events similar in nature shall not be considered "at large."

Sec. 14.34 Nuisance Pets or Livestock.

- A. The actions of a pet or livestock constitute a nuisance when a pet or livestock disturbs the rights of, threatens the safety of or injures a member of the general public, or interferes with the ordinary use and enjoyment of their property.
- B. It shall be unlawful for any person to own, keep, possess, or maintain a pet or livestock in such a manner so as to constitute a public nuisance. By way of example, and not of limitation, the following acts or actions by an owner or possessor of any pet or livestock are hereby declared to be a public nuisance and are, therefore, unlawful:
 - 1. Failure to exercise sufficient restraint necessary to control a pet or livestock as required by Section 14.33.
 - 2. Allowing or permitting a pet or livestock to damage the property of anyone other than its owner, including, but not limited to, turning over garbage containers or damaging gardens, flowers, or vegetables.
 - 3. Failure to maintain a dangerous animal in a manner other than that which is described in Section 14.32.
 - 4. Maintaining pets or livestock in an environment of unsanitary conditions which results in offensive odors or is dangerous to the pet or livestock or to the public health, welfare, or safety.

5. Maintaining his or her property in a manner that is offensive, annoying, or dangerous to the public health, safety, or welfare of the community because of the number, type, variety, density, or location of the pets or livestock on the property.
 6. Allowing or permitting a pet or livestock to bark, whine, or howl in an excessive, unwarranted, and continuous or untimely fashion, or make other noise in such a manner so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises.
 7. Maintaining a pet or livestock that is diseased and dangerous to the public health.
 8. Maintaining a pet or livestock that habitually or repeatedly chases, snaps at, attacks, or barks at pedestrians, bicycles, or vehicles.
 9. Every female pet or livestock in heat shall be confined in a building or secure enclosure in such a manner as will not create a nuisance by attracting other pets or livestock.
- C. A pet or livestock that has been determined to be a habitual nuisance by BCAS may be impounded and may not be returned to the owner until said owner can produce evidence to demonstrate that the situation creating the nuisance has been abated.

Sec. 14.35 Animal Cruelty.

- A. *Animal Care Generally.* It shall be unlawful for an owner to fail to provide his animals with sufficient good and wholesome food, water at all times, proper shelter and protection from weather, and humane care and treatment.
- B. *Mistreatment.* It shall be unlawful for a person to beat, cruelly treat, torment, overload, overwork, or otherwise abuse an animal or cause, instigate, or permit any dogfight or other combat between animals or between animals and humans.
- C. *Physical Alteration.* It shall be unlawful for a person to dye or color artificially any animal or fowl, including but not limited to rabbits, baby chickens, and ducklings, or to bring any dyed or colored animal or fowl into the County. No person shall crop or dub a pet or livestock's ears or tail or wattle or comb, except a licensed veterinarian.
- D. *Abandonment.* It shall be unlawful for any owner to abandon an animal.

E. *Unlawful Tethering.* No person owning or keeping a dog shall chain or tether a dog to a stationary object, including, but not limited to, a structure, dog house, pole, stake, or tree for longer than 24 consecutive hours. A tethering device employed shall not allow the dog to leave the owner's, guardian's or keeper's property. The tether shall be designed for dogs and devices not designed for tethering dogs shall not be used. No chain or tether shall weigh more than 1/8 of the dog's body weight. Nothing in this section shall be construed to prohibit a person from walking a dog on a hand-held leash. No dog under the age of 6 months shall be tethered outside for any length of time, unless under direct supervision of an adult over the age of eighteen (18) years old.

1. A person owning or keeping a dog may confine such dog outside, subject to the restrictions in this section, through the use of any of the following methods:

- a. inside a pen or secure enclosure; or
- b. a fully fenced, electronically fenced or otherwise securely enclosed yard, wherein a dog has the ability to run but is unable to leave the enclosed yard; or
- c. the length of the tether from the cable run to the dog's collar or harness shall allow continuous access to clean water and appropriate shelter at all

2. Exceptions to the above restrictions on outdoor confinement shall be made for dogs actively engaged in conduct directly related to the business of shepherding or herding cattle or other livestock or engaged in conduct that is directly related to the business of cultivating agricultural products, if the restraint is reasonably necessary for the for the safety of the dog.

Sec. 14.36 Sale of Animals, Pets or Livestock.

A. No person shall sell, trade, barter, auction, lease, rent, give away, or display for commercial purpose, any live animal, pet or livestock on any roadside, public right-of-way, public property, commercial parking lot or sidewalk, or at any flea market, fair, or carnival.

- B. No person shall offer an animal, pet or livestock as an inducement to purchase a product, commodity, or service.
- C. No person shall sell, offer for sale, or give away any animal or pet under five (5) weeks of age, except as surrender to the county animal services facility or to a licensed pet rescue organization.
- D. Licensed pet shops, commercial kennels, county animal services facilities, and licensed pet rescue organizations are exempt from the requirements of this section.
- E. Any sale of wildlife will be reported to the South Carolina Department of Natural Resources, United States Department of Agriculture, and United States Fish and Wildlife Service.

Sec. 14.37 Seizure and Right of Entry to Protect Abandoned, Neglected, or Cruelly Treated Pets or Livestock.

- A. Seizure and Right of Entry. If the owner does not give permission to the Animal Services Officers for right of entry on private property to examine suspected abandoned, neglected or cruelly treated pets or livestock, the Animal Services Officers shall petition the appropriate magistrate for an animal pickup order or a search warrant for the seizure of the pet or livestock to determine whether the owner, if known, is able to adequately provide for the pet or livestock and is a fit person to own the pet or livestock.
- B. Citation. The Animal Services Officers shall cause to be served upon the owner, if known, and residing within the jurisdiction wherein the pet or livestock is found, a written citation at least five (5) days prior to the hearing containing the time and date and place of the hearing. If the owner is not known or cannot be found within the jurisdiction wherein the pet or livestock was found, the Animal Services Officers shall post a copy of the notice at the property where the animal was seized.
- C. Custody. The pet or livestock shall remain in the custody and care of BCAS until such matter is heard before a magistrate. The magistrate shall make the final determination as to whether the pet or livestock is returned to the owner or whether ownership is transferred to the BCAS whereby the pet or livestock may be put up for adoption or humanely euthanized. If the magistrate orders the return of the pet or

livestock to its owner, BCAS shall release the pet or livestock upon receipt from the owner of all redemption fees as described in Section 14.39, below.

- D. Nothing in this section shall be construed to prohibit the euthanasia of a critically injured or ill animal for humane purposes.

Sec. 14.38 Impoundment

- A. Any pet or livestock found within the county in violation of the provisions of this chapter may be caught and impounded by BCAS. BCAS may, thereafter, make available for adoption or humanely euthanize impounded pets or livestock not positively identified or redeemed within five (5) working days.
- B. When a person arrested is, at the time of arrest, in charge of an animal, BCAS may take charge of the animal and deposit the animal in a safe place of custody or impound the pet or livestock at its animal care facility.
- C. The owner of a pet or livestock that may be positively identified shall be notified at the owner's last known address by registered mail if attempts by telephone are not successful. The owner has fourteen (14) days from the date of mailing to contact BCAS for pick-up. Redemption costs will include the cost of mailing, any established costs, fines, fees, or other charges. If the owner does not make contact within fourteen (14) days of the date of mailing, the pet or livestock will be deemed abandoned and becomes the property of BCAS. For pets or livestock impounded at BCAS, the Director of Animal Services, or his/her designee in agreement with a licensed veterinarian, shall either place the pet or livestock for adoption or have the pet or livestock humanely euthanized, pursuant to S.C. Code 47-3-540 (Supp. 1999).
- D. Notwithstanding the above, pets or livestock impounded at BCAS, which are deemed by the Director of Animal Services, or his/her designee or a licensed veterinarian to constitute a danger to other pets, livestock or persons at the facility, or which are infectious to other pets or livestock, in pain or near death may be humanely euthanized immediately.
- E. Any pet or livestock surrendered to BCAS may be adopted or euthanized at any time provided there is a completed and signed surrender form on file for the pet or livestock concerned.

Sec. 14.39 Redemption.

- A. The owner or keeper of any pet or livestock that has been impounded under the provisions of this chapter, and which has not been found to be dangerous or vicious, shall have the right to redeem such pet or livestock at any time when proper ownership has been confirmed by BCAS personnel; upon payment of a fee as follows:
1. For a pet or livestock that has been properly inoculated, licensed, microchipped, and neutered or spayed, at the BCAS Director of Animal Services or his/her designee, may issue a warning for the first offense at their discretion and investigation of circumstances. First offense fee is fifty (\$50) dollars, second offense is one hundred and fifty (\$150.00) dollars, third offense and any subsequent offense is two hundred and fifty (\$250.00) dollars.
 2. For a pet or livestock not properly inoculated, licensed, microchipped and spayed or neutered the fee shall be fifty (\$50) dollars plus the appropriate microchip license fee, the charge for rabies inoculation, and the cost of spaying or neutering the pet or livestock as appropriate.
 3. Fertile pets or livestock (as appropriate) shall not be redeemed or adopted unless one of the criteria under the exemptions provisions in subsections 14.29 (E) (1-4) has been met.
 4. Pets or livestock will not be released without proof of inoculation and without an implanted microchip. The requirements of spaying or neutering shall not be waived under the exceptions in subsections 14.29 (E) (1-4) when the pet or livestock (as appropriate) has been impounded a second time for any violations of Sections 14.32; 14.33; 14.34; or 14.35.
- B. In addition to the redemption fee, a boarding fee after twenty four (24) hours of twenty five (\$25) dollars per day per pet or livestock shall be paid by the owner or keeper when a pet or livestock is redeemed.
- C. The fees set out in this section shall be doubled for any pet or livestock impounded twice or more within the same 12 month period.

Sec. 14.40 Adoption.

- A. Any pet or livestock impounded under the provisions of this chapter may, at the end of the legal detention period, be adopted provided the new owner will agree to comply with the provisions contained herein.
- B. Any pet or livestock surrendered to BCAS may be adopted at any time provided there is a completed and signed surrender form on file for the pet or livestock concerned.
- C. Those individuals adopting puppies or kittens too young to be neutered or spayed or receive rabies inoculations will pay the cost of these procedures at the time of adoption and be given an appointment for a later time to have these procedures completed. In the event the pet is deceased prior to the appointment date, the applicable portion of the adoption fee will be returned.
- D. The county animal services director or designee shall have the authority to refuse adoption of any animal to any person deemed unable to provide proper shelter, confinement, medical care and food or to any person who has a past history of inhumane treatment of or neglect to pets or livestock. Any person seeking adoption of a pet or livestock more frequently than ninety (90) days from the last adoption shall be subject to refusal of adoption. Any person who has been refused adoption of a pet or livestock may appeal his case to the Assistant County Administrator for Public Safety. If any person surrenders an owned pet or livestock to the animal services department, they will not be able to adopt a pet or livestock for ninety (90) days from the date of the original surrender.

Sec. 14.41 Trapping.

- A. It shall be unlawful for any person or business to conduct trapping of any pets, livestock or domestic animals within Beaufort County without prior approval from the Animal Services Department. Any pets, livestock or domestic animals trapped with prior approval from the Animal Services Department will be reported or delivered to the Animal Services Department for purposes of identification of the pet's owner and record keeping of the trapping. It shall be unlawful for any person to remove, destroy, or liberate any trap and/or trapped animal set by the Beaufort County Animal Services Department or enter any Animal Services vehicle with the

intent to rescue or deliver it from the custody of the Animal Services Department. If a trapped animal is in need of immediate attention, the Animal Services Department or 911 will be notified immediately of the animal in distress.

B. Exemption. Trapping is permitted for hogs.

Sec. 14.42 Management of Feral Cat Colonies.

A. Definitions.

Caregiver means any person who provides food, water or shelter to or otherwise cares for a feral cat colony and has made application to the animal services department for management of a feral cat colony.

Caregiver manager means any person in charge of a caregiver program.

Ear tipping means straight-line cutting of the tip of the left ear of a cat while the cat is anesthetized.

Feral cat means a cat which currently exists in a wild or untamed state.

Feral cat colony means a group of cats that congregate. Although not every cat in a colony may be feral, non-feral cats routinely congregate with a colony shall be deemed to be a part of it.

Nuisance means disturbing the peace by (a) habitually or continually howling, crying or screaming, or (b) the habitual and significant destruction of property against the wishes of the owner of the property.

Suitable shelter means shelter that provides protection from rain, sun and other elements and is adequate to protect the health of the cat.

TNR means trap, neuter/spay and release.

TNA program means a program pursuant to which cats are trapped, neutered or spayed, vaccinated against rabies, ear tipped or tattooed and released to a designated location of a managed colony.

B. Feral cat colony management:

Feral cat colonies shall be permitted (no fee) by the Beaufort County Animal Services Department and caregivers shall be responsible for applying for the permit for each colony and be entitled to maintain them in accordance with the terms and conditions of

the BCAS policy on feral cat colony management, once the permit is approved by Animal Services Department.

Sec. 14.43 Livestock.

- A. All livestock shall be properly housed with adequate food, water and confined within a fenced enclosure. The fenced enclosure shall be maintained in such a manner as to keep any average livestock animal from escaping the enclosed compound and causing damage, accidents or injury to any person or property. No person shall tie, stake or fasten any livestock within any street, highway, road, alley, sidewalk, right-of-way, or other public place within the county or in such manner that the animal has access to any portion of any street, highway, road, alley, sidewalk, right-of-way, or other public place.
- B. Owners or possessors of livestock impounded for violation of this article or any state and/or federal laws, will be charged in accordance with actual costs of impoundment plus impounding and boarding fees.
- C. Impounded livestock shall be held for a period of 21 days. If such impounded animals are not claimed by the owners during that period of time, the animals may be given to persons willing to accept them, in the discretion of the Beaufort County Animal Services Department.
- D. Exception: No other swine or livestock shall be kept within the corporate limits of Port Royal & Bluffton except as is permissible under the municipal zoning regulations. No approval shall be granted or continued if such keeping shall constitute a menace to health or welfare of the public. To the extent that other section within this Chapter reference livestock this section shall be controlling.

Sec. 14.44 Importation of Exotic Animals Prohibited

- A. Definition. An “exotic animal” shall be defined as one which would ordinarily be confined to a zoo, or one which would ordinarily be found in the wilderness of this or any other country or one which is a species of animal not indigenous to the United States or to North *Definition*. An “exotic animal” shall be defined as one which would ordinarily be confined to a zoo, or one which would ordinarily be found in the wilderness of this or any other country or one which is a species of animal not

indigenous to the United States or to North America, or to one which otherwise causes a reasonable person to be fearful of significant destruction of property or of bodily harm and the latter includes, but would not be limited to, such animals as monkeys, raccoons, squirrels, ocelots, bobcats, lions, tigers, bears, wolves, hybrid wolves, and other such animals or one which causes zoonotic diseases. Such animals are further defined as being those mammals or those nonvenomous reptiles weighing over 50 pounds at maturity which are known at law as *Ferae naturae*. Wild or exotic animals specifically do not include animals of a species customarily used in South Carolina as ordinary household pets, animals of a species customarily used in South Carolina as domestic farm animals, fish contained in an aquarium, birds or insects.

B. *Unlawful Act*. It shall be unlawful for any person, firm, or corporation to import into Beaufort County, any venomous reptile or any other exotic animal.

C. Exceptions. This ordinance shall not apply to following entities:

- a. An entity licensed as a Class R Research Facility by the United States of America or any agency thereof pursuant to the Animal Welfare Act (7 U.S.C. 2131 et seq.)
- b. An entity properly accredited by the Association of Zoos & Aquariums or the Zoological Association of America
- c. An entity licensed as a Class C Facility by the United States of America or any agency thereof pursuant to the Animal Welfare Act (7 U.S.C. 2131 et seq.) for exhibition not to exceed 7 days within a 52 week period
- d. A team mascot for a university or educational facility.

Sec. 14.45 Rabies Control Act (S.C. State Law 47-5-10)

This law is strictly enforced by South Carolina Department of Health and Environmental Control (DHEC) in cooperation with Beaufort County Animal Services Department and any state, county or municipal law enforcement agencies.

Sec. 14.46 Interference with Animal Services Officers.

It shall be unlawful for any person to interfere with, hinder, or molest an Animal Services Officers in the performance of his or her duties or seek to release any pet or livestock in his/her custody without his/her consent.

Sec. 14.47 Enforcement and Penalties.

- A. The Animal Services Officers of the Beaufort County Animal Services Department shall be charged with the responsibility of enforcing all ordinances enacted by the county and contracts entered into with the county for the care, control and custody of pets or livestock covered by this article. All violations of this article shall be heard by the Beaufort County Magistrate Court.
- B. The provisions of this article shall not apply to any dog or cat owned within the confines of any incorporated municipality within the county, unless and until the governing body of a municipality requests in writing that county council include the area of such municipality within the coverage of this article, and county council has acted favorably on such request and has so notified such municipality of its approval of such request.
- C. Any person who violates the provisions of this Chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to a fine not exceeding five hundred dollars (\$500) or imprisonment not exceeding thirty (30) days, or both.

Adopted this 12th day of October, 2015.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
D. Paul Sommerville, Chairman

APPROVED AS TO FORM:

Thomas J. Keaveny, II, County Attorney

First Reading: September 14, 2015
Second Reading: September 28, 2015
Public Hearing: October 12, 2015
Third and Final Reading: October 12, 2015