

ORDINANCE

AN ORDINANCE TO AMEND VARIOUS SECTIONS OF CHAPTER 6, ANIMALS, OF THE CODE OF ORDINANCES OF THE CITY OF SIMPSONVILLE; AND TO MAKE OTHER PROVISIONS RELATED THERETO.

WHEREAS, The City of Simpsonville has adopted an animal control ordinance; and

WHEREAS, The City Council has reviewed the current ordinances, to include receiving public input on them; and

WHEREAS, based upon the council review and public input, as well as input from staff, the City wishes to adopt the amendments set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SIMPSONVILLE, SOUTH CAROLINA, AS FOLLOWS:

Section 1: That the Code of Ordinances, Chapter 6, Animals, be amended as follows:

Sec. 6-2. Keeping domestic animals generally.

- (a) It shall be unlawful for any person to keep any domestic animals or fowl so as to be or become a nuisance, or because of noise, noxious odors, flies, filth or otherwise tend to impair health or disturb the peace and comfort of the normal or reasonable occupants of nearby residences or places of business. All stables, houses and barns shall be kept in a clean and sanitary condition. The manure shall not be allowed to accumulate.
- (b) It shall be unlawful for the owner, keeper or manager of any animal willfully or negligently to permit the animal to run at large beyond the limits of his own land, or the land leased, occupied or controlled by him.

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Sec. 6-4. Cruelty to animals.

- (a) It shall be unlawful for any person to inflict cruelty upon any animal, or to ride, drive or work it when sick or unfit for work, override, overload, drive when overloaded, overwork, torture, deprive of necessary food, cruelly or unmercifully beat or whip any animal or fail to provide it with proper food, drink, shelter or protection from the weather, or to provide proper veterinary care and grooming, or to maintain the animal in a condition that is unhealthy, unsafe or unsanitary, whether the person is the owner thereof or has charge or custody of the animal or not.

- (b) It shall be unlawful to chain unsupervised dogs to trees, dog houses or any other object. In the event that a dog is kept in a pen, a pen with dimensions of at least 10' x 10' feet must be provided.

Sec. 6-5. Report of dead animals and fowl.

Any person having upon his premises any dead animal or fowl shall immediately dispose of it or report it to the City.

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Sec. 6-7. - Care and custody of animals.

- (a) All dogs when off the private property where the dog is housed shall be in the control of the owner and on a leash at all times. Leashes shall not exceed 12 feet in length. All persons in control of the animal must be able to maintain the animal when off their private property.
- (b) Pets at city parks prohibited.
 - (1) General prohibition: No pets will be allowed at any time for any reason on any athletic field owned or controlled by the city. No dogs will be allowed at Veteran's Memorial. Pets are allowed at city parks in areas not prohibited by this section. Nothing in this paragraph, however, shall prohibit service or police dogs in these areas.

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Sec. 6-8. Simpsonville Dog Parks

- (a) The City may establish dog parks from time to time as a place for people to enjoy their dogs off-leash and for dogs to interact with other dogs. Rules for use of the dog park shall be posted at the entrance to the dog park. In addition, the following provision shall apply:
 - i. Dogs shall be up-to-date with vaccinations including Bordetella and Parvo. Owners/handlers shall carry proof of vaccinations.
 - ii. Children under the age of 14 years shall be prohibited within the dog park, including inside any transition area where dogs' leashes are removed, unless accompanied by an adult.
- (b) The owner/handler of the dog(s) is liable for injuries and damages inflicted by their dog(s).

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Sec. 6-82. Animal Control Officer's scope of authority.

(a) *General powers, authority and duties.*

- (1) The officer designated by the city with the enforcement of animal control shall have the authority to enforce all applicable laws concerning animal control as set forth by this article or other laws and such additional procedures, duties and responsibilities as the city shall, from time to time establish.
- (2) It shall be the duty of the Animal Control Officer to provide education, whether by house visits or information given out to new residents at the time they receive their occupancy permit. Information about animal control shall be given to apartment managers and local real estate offices.
- (3) Nothing in this section shall abridge or limit the right and duty of law enforcement to enforce the provisions of this or any other law concerning animal control to the degree to which their training and expertise may allow them to do so.

(b) *Maintenance of records.* The Animal Control Officer shall be familiar with and maintain accurate and complete records relating to the following matters:

- (1) Impoundment and disposition of all animals coming into his custody.

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Sec. 6-84. Nuisance animals.

- (a) *Limitation on number.* It shall be a nuisance to keep more than four animals on the premises of any real estate lot of less than one acre in size. This provision shall not apply to a veterinarian or boarding establishment for animals, provided such person or business entity is in compliance with all licensing and zoning laws. Any person harboring or maintaining custody or control over animals in violation of this section shall be guilty of a misdemeanor. Each day of a continuing violation of this section shall be deemed a separate violation.
- (b) *Bothersome, threatening animals.* The actions of an animal constitute a nuisance when an animal 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.
- (c) *Public nuisances described.* It shall be unlawful for any person to own, keep, possess or maintain an animal 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 an animal are hereby declared to be a public nuisance, and are therefore unlawful:

- (1) Allowing or permitting an animal to damage the property of anyone other than its owner including, but not limited to, turning over garbage containers or damaging gardens or flowers.
 - (2) Maintaining an animal that habitually or repeatedly chases, snaps at, or attacks pedestrians, bicycles or vehicles, or any animal whose behavior constitutes a reasonable risk of injuring a human or other animal.
 - (3) Maintaining 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 animals on the property.
 - (4) Allowing or permitting an animal to bark, whine, cry or howl in an excessive, continuous, untimely or unreasonable fashion, or to 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. It is the intent of this section to abate the problem of domestic animal howls, barks, whines or cries which materially interfere with or affect the health, comfort, peace and quiet within the city.
 - (5) Maintaining an animal in an environment of unsanitary conditions which results in offensive odors, filth, vermin or disease, or is dangerous to the animal or to the public health, safety or welfare.
- (d) Complaint, investigation, notice to correct. Upon the receipt of two detailed written and signed complaints from separate households in close proximity to the offender that a person is violating the provisions of this section, the Animal Control Officer or other appropriate law enforcement officer shall notify the owner or keeper of the domestic pet in question that a complaint has been received and shall investigate the complaint. If the investigation determines that the complaint is justified, the Animal Control Officer or other appropriate law enforcement officer shall notify the owner or keeper of the domestic animal, in writing, to correct the violation.

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Sec. 6-85 Vicious animals.

- (a) It shall be unlawful for any person to own, keep, have charge of or in any way maintain or harbor any animal which is vicious as defined in section 6-81. This shall not apply to any animal that attacks any person or animal unlawfully upon its owner's or keeper's premises.
- (b) If the Animal Control Officer determines that an animal has dangerous propensities or is a nuisance as defined in section 6-84, or that it has attacked someone either without provocation or without causing serious bodily harm, he shall notify the owner by serving a written notice upon him to confine the animal to his premises in a securely enclosed and locked pen. The pen must have either sides six feet high or a secure top. If the pen has no bottom secured to the sides, the sides must be embedded into the ground at a depth of no less than one foot. The premises must be clearly posted giving notice that a dangerous

animal is kept on the property. Failure to comply within the five-day period shall be cause to seize and dispose of the animal as set forth in subsection (c) of this section (d) of this section.

- (c) If the Animal Control Officer has determined that an animal is vicious or that it has not been properly confined pursuant to a notice as set forth in subsection (b) of this section, then he shall notify the owner immediately in writing, if the owner is known. If the Animal Control Officer has determined that an animal is vicious or that it has not been properly confined pursuant to a notice as set forth in subsection (b) of this section, then he shall notify the owner immediately in writing, if the owner is known. The owner shall turn the animal over to the Animal Control Officer immediately after such notification. If the owner fails to properly surrender the animal, he may be arrested for a violation of subsection (a) of this section and an order of forfeiture of the animal may be sought from the court. If the owner fails to properly surrender the animal, he may be arrested for a violation of subsection (a) of this section and an order of forfeiture of the animal may be sought from the court. The animal may be seized pending trial. Upon final determination or conviction, the Animal Control Officer may dispose of the animal in one of only two specific ways:

(1) By the humane destruction of the animal; or

(2) By giving the animal to an individual or organization not within the limits of the city, subject to protective and inspection conditions required by the Animal Control Officer, for the well-being of the animal and the protection of the public.

- (e) An animal declared to be a vicious animal shall not be disposed of for research or experimental purposes. These provisions are intended to supplement state law and vicious animals may also be seized under the provisions of S.C. Code 1976, § 47-3-750.

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Section 2. Authorization. The Mayor, the City Administrator, and the City Clerk, for and on behalf of the City, acting jointly or individually, are fully empowered and authorized to take such further action as may be reasonably necessary to effect the amendments authorized by this Ordinance in accordance with the conditions herein set forth.

Section 3. Severability. The provisions of this Ordinance are hereby declared to be severable and if any section, phrase or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions hereunder.

Section 4. Repeal of Conflicting Ordinance. All ordinances, orders, resolutions and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Ordinance shall take effect and be in full force from and after its passage and approval.

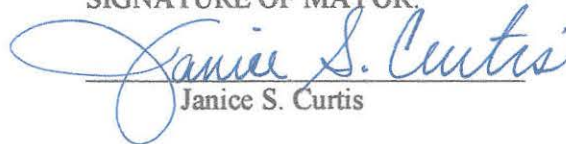
Section 5. Savings Clause. Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed or amended as stated

in Section 1 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.


Section 6. Effective Date of the Ordinance. This ordinance shall become effective upon final approval by Council after second reading and signing by the Mayor.

DONE in Regular Meeting duly assembled this 12th day of June 2017.


SIGNATURE OF MAYOR:


Janice S. Curtis

ATTEST:


Phyllis Long
City Clerk

APPROVED AS TO FORM:


David W. Holmes
City Attorney

FIRST READING: 5-9-17
SECOND READING: 6-12-17