

STATE OF SOUTH CAROLINA)
)
COUNTY OF DORCHESTER)

ORDINANCE NUMBER 19- 32


AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF ORDINANCES, DORCHESTER COUNTY, SOUTH CAROLINA, BY AMENDING AND SUPPLEMENTING CHAPTER 4 ANIMALS, SECTIONS 4-1 THROUGH 4-20

WHEREAS, Dorchester County Council wishes to amend and supplement the Code of Ordinances, Dorchester County, South Carolina, as set forth in the attached which reflects additions and deletions to various Sections of Chapter 4, Animals.

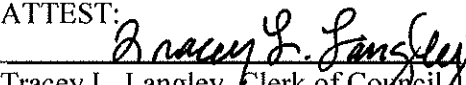
NOW, THEREFORE, be it Ordained by Dorchester County Council, duly assembled, that Chapter 4 is hereby amended and supplemented so that upon third and final reading, Chapter 4, Animals, Sec. 4-1 through Sec. 4-20, inclusive, shall read as set forth on the attached.

Except as specifically amended herein, the Dorchester County Code of Ordinances shall remain in full force and effect.

Approved and adopted this 9th day of December, 2019.


George Bailey, Chairman
Dorchester County Council

First Reading: 10/21/2019
Second Reading: 11/18/2019
Public Hearing: 12/09/2019
Third Reading: 12/09/2019

ATTEST:

Tracey L. Langley, Clerk of Council

CHAPTER 4 - ANIMALS

Sec. 4-1. - Short title; authority and purpose of provisions; repealing of an existing ordinance.

This chapter shall be referred to as the "Dorchester County Animal Control Ordinance" and is enacted under the home rule powers of the county council to regulate animals and animal owners and keepers in the interest of the health, safety and welfare of the citizens of the county.

Sec. 4-2. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal means a dog or a cat, any bird, reptile, rodent or other animal having an identifiable owner or keeper, brute creatures, livestock and poultry, or any skunk, raccoon, opossum or fox which intrudes upon either residential property or public property where the humane trapping and removal of the animal has been requested by the owner, his agent or tenant, or the relevant government body.

Animal at large means any animal, other than a non-fertile cat, which is not under the control, custody, charge or possession of the owner or other responsible person, by leash, chain, effective voice command, secure fence or other means of confinement or restraint.

Animal control officer means an employee of the county who has been designated as a person for the enforcement of this chapter.

Community Services Director means an employee of the county who has as part of his duties to plan, direct, and supervise all programs and activities of the animal control department.

Council means the county council.

Cruelty means causing death or unjustifiable pain or suffering to any animal by an act, omission, or neglect.

Dangerous animal means any animal that has shown the propensity to attack a person or another animal, has attacked without provocation a person or another animal, or which has been trained to attack on command.

Effective voice command means voice control by a competent person which at all times prevents the animal subject to the voice control from running at large or otherwise violating the provisions of this chapter.

Keeper means any person or corporation possessing or having custody of an animal.

Kennel or cattery means a facility other than a veterinarian hospital or facility which provides services to owners of animals, including but not limited to the following:

- (1) Boarding;
- (2) Care and grooming;
- (3) Breeding;
- (4) Stud services; or
- (5) The sale of offspring or adult animals.

Licensed veterinarian means a veterinarian licensed to practice in the state.

Neglect means endangering an animal's health by failing to provide or arrange to provide the animal with adequate food and water if the animal is dependent upon a person for the provision of food or drink, or the act of restraining an animal in a manner that endangers the animal's life or health. Other acts considered to be neglect include, but are not limited to:

1. Failing to provide reasonable care or seek veterinary care for an injury or illness that seriously endangers the life or health of an animal; or
2. Leaving an animal outside and exposed to excessive heat or cold without providing the animal with adequate shelter or protection from the heat or cold or exposing an animal to unsanitary conditions.

Necessary veterinary care means veterinary medical attention appropriate to the circumstances, whenever an animal is known or suspect to have suffered an injury, accidental or deliberate, or exhibits signs of disease process such as shock, temperature fluctuation, tremors, swelling, broken bones, open wounds, inability to eat or drink, blistering, irregular or abnormal breathing, partial or total paralysis, abnormal discharge or bleeding, mange, or other signs of health problems.

Neutered or spayed means rendered permanently incapable of reproduction by surgical alteration, implantation of a device or other physical means, or permanently incapable of reproduction because of physiological sterility, but only where the neutered or spayed condition has been certified by a veterinarian licensed in any state.

Notice means a notice to appear, unless the context of the ordinance requires a different definition.

Owner means any natural person or any legal entity, including, but not limited to, a corporation, partnership, firm, or trust owning, possessing, harboring, keeping, or having custody or control of an animal. In the case of an animal owned by a minor, the term "owner" includes the parents or person in loco parentis with custody of the minor.

Tether means any chain, rope, leash, tie out, or wire designed to restrain an animal which is attached to an animal or to an animal's collar or halter and is also attached to a stationary object.

Sec. 4-3. - Animal impoundment service agreement with the Society for the Prevention of Cruelty to Animals (SPCA).

- (a) County council may enter into a contractual agreement with the Dorchester PAWS and other organizations as necessary to retain animals at large, any dangerous animals not properly secured or restrained by the owner or keeper, animals that are nuisances, animals having or believed to have rabies or other infectious or contagious diseases, dogs and cats not identified and inoculated as required by this chapter, or any animal otherwise in violation of this chapter.
- (b) By resolution, council may charge reasonable fees for impounding animals under this chapter. The owners or keepers of impounded animals shall pay the fees and execute a statement of ownership or responsibility as a condition precedent to release of an impounded animal. Fees collected shall be deposited in the general revenue fund of the county.
- (c) Notwithstanding subsection (b) of this section, a dog or cat which is not inoculated against rabies shall not be released from a county impoundment facility until provisions have been made to properly inoculate the animal.

Sec. 4-4. - Animal control officer; appointment; duties.

- (a) The county administrator is authorized to employ suitable persons to serve as animal control officers to carry out the purposes of this chapter.
- (b) The animal control officer may seize or pick up and impound:
 - (1) Any stray animal;
 - (2) Any animal at large;
 - (3) Any dangerous animal not properly restrained or secured by the owner or keeper;
 - (4) Any animal carrying or believed to be carrying rabies or other infectious or contagious diseases;
 - (5) Any animal that is a nuisance;
 - (6) Any dog and/or cat not identified and inoculated as required by this chapter;
 - (7) Any sick or injured animal for which the owner or keeper cannot be found after reasonable effort to do so, or for which the owner or keeper is unable or unwilling to provide proper care;
 - (8) Any other animal authorized by this chapter to be impounded, caught, seized or picked up.

The animal control officer shall impound or otherwise dispose of such animals as provided under this chapter.

- (c) The animal control officer shall investigate complaints or actions allegedly in violation of this chapter and shall issue citations demanding that the violations cease or be corrected. Animal control officers have authority to issue notices to appear as charging instruments for the enforcement of this chapter.
- (d) Pursuant to law, the animal control officer may enter public or unfenced private property within the county, except residential buildings, to carry out the duties imposed by this

chapter. The animal control officer may enter private property with the consent of the property owner but will obtain a proper warrant to enter private property in all other cases.

- (e) The animal control officer may declare an animal to be a dangerous animal as defined by section 4-2, and may order the owner of such animal to secure, restrain and confine it in a reasonable manner specified.

Sec. 4-5. - Vaccination of dogs and cats.

- (a) Any person who owns or keeps a dog or cat four months old or older shall cause the dog or cat to be vaccinated effectively against rabies by a licensed veterinarian. Evidence of vaccination shall consist of a rabies vaccination certificate signed by the veterinarian administering the vaccination or a rabies vaccination tag to be attached to the animal's collar. No other vaccination certificate or tag shall be valid in the county. A rabies certificate and rabies tag issued for one animal is not valid for any other animal.
- (b) Vaccination is excused only if the owner or keeper can prove that the dog or cat has been vaccinated against rabies within the past six months by a veterinarian licensed to practice in any state, or if a licensed veterinarian certifies in writing that a vaccination would be injurious to the animal's health. In the latter case, the animal shall be kept in an enclosed building or kennel until the veterinarian can safely vaccinate the animal.

Sec. 4-6. - Identification of dogs and cats.

The council recognizes the importance of an expeditious return of a lost or stray animal to its owner. This action reduces the potential of hazarding the public, reduces the risk to the well-being of the animal, reduces the need for impoundment and increases the efficiency of the animal control officer. The council further recognizes that early return of the animal is best accomplished through owner identification tags. Accordingly:

- (1) Any person who owns or keeps a dog or cat two months of age or older shall affix and maintain a durable metal or plastic identification tag on the collar of the animal which has permanently stamped or printed the owners address and phone number. The tag will be maintained in such a condition as to make the stamped or printed information clearly readable. Microchip technology as otherwise provided by law may be used in lieu of a collar tag, provided that owner identification and contact information remains current.
- (2) It is unlawful for any person to remove the owner identification tag except:
 - a. When the animal is participating in any organized exhibition, field trial, competition or is in training for these events, or is engaged in a legal sport under supervision of its owner or keeper, or is undergoing grooming.
 - b. When the dog or cat is confined in a boarding kennel, grooming facility or veterinary hospital, in which case the identification tag information shall be recorded and readily available.

- c. When a licensed veterinarian orders in writing that the identification tag and/or collar be removed for reasons of the animal's health, in which case the animal shall be confined within an enclosed building, fenced area or kennel at all times until the veterinarian permits the collar and tag again to be placed on the animal.
- (3) It is unlawful for any person to use or to possess a stolen, counterfeit or forged identification tag, vaccination certificate, inoculation deferment form or other documentation required by or issued pursuant to this chapter.
- (4) It is unlawful for the owner or keeper of a dog or cat to refuse to show, upon demand by the animal control officer, identification tag or documents required by this chapter, provided that the animal control officer shall allow an owner or keeper 72 hours to produce the requested documents.

Sec. 4-7. - Animals at large prohibited; restraint of dangerous animals.

It is unlawful for any owner or keeper of an animal other than a non-fertile cat to willfully or negligently allow the animal to run at large on any public property or on any private property of another without permission of the property owner. Any animal under the direct and close supervision of its owner or keeper or otherwise engaged in an organized animal exhibition, field trial, competition, legal sport or training for these activities, shall not be deemed to be an animal at large. A dog engaged in lawful hunting where direct and close supervision by an owner or keeper is impractical for reasonable and proper enjoyment of the sport will not be considered at large unless the dog is roaming in populated residential, industrial or business areas or along public roads.

- (1) It is unlawful for owners or keepers of a diseased animal, including a diseased cat, to allow the animal to run at large.
- (2) It is unlawful for an owner or keeper to allow a fertile cat, six months or older, to run at large.
- (3) It is unlawful for the owner or keeper of an animal declared by the animal control officer to be dangerous either willfully or negligently to allow the animal to run at large or to fail to secure, restrain or confine the animal as ordered by the animal control officer pursuant to this chapter.

Sec. 4-8. - Abuse of animals; abandonment; Tethering.

- (a) It shall be unlawful for a person or Owner to:

- (1) fail to provide their animals or pets with sufficient food and water, proper shelter, necessary veterinary care when needed to prevent suffering, and provide humane care and treatment.
 - (2) maintain animals in an environment of unsanitary conditions, which would result in offensive odors or is dangerous to the animal or to the public health, welfare or safety.

- (3) to beat, cruelly treat, torment, overload, overwork, abuse, restrain or commit any act of cruelty, torture or neglect that causes an animal to suffer serious injury or death or that inflicts or subjects an animal to any unreasonable physical pain, suffering, or agony.
- (4) expose any known poisonous substance, whether mixed with food or not, with the intent that same be eaten by any animal.
- (5) Open, maintain, sell tickets to or attend or aid in the getting up, exhibiting, opening or maintaining any cockfight or fight between any dog or other animal; shall cause, instigate, or permit any combat between animals and/or humans.
- (6) to restrain an animal by a tether without ensuring:
 - (a) That the tether is of adequate size and strength (work load limit) to effectively restrain the animal. The tether may not weigh more than one-eighth of the animal's body weight, or is a tow chain, log chain, or other similar apparatus. The tether shall be free of tangles.
 - (b) That the tether is not attached by means of a pinch, prong or choke type collar, or if the collar is otherwise unsafe or improperly fitted or may otherwise cause injury or entanglement of the animal.
- (7) Convey any type of 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 reasonable effort to find the driver of a vehicle in which an animal is confined; the animal control officer, in the presence of an officer of the law, may use the least intrusive means to break and enter the vehicle if necessary to remove the animal where reasonable cause exists to believe that the animal in the vehicle is in violation of this subsection.
- (8) It shall be unlawful for any person owning, possessing or harboring an animal to abandon that animal. If the animal control officer finds that an animal has been abandoned, the animal may be impounded. If the animal has been abandoned in a house or within a fenced area, the animal control officer will make reasonable effort to locate the owner or manager of the property. If the property owner or manager is not the animal owner, the animal control officer shall secure permission to remove the animal. If the property owner is also the animal owner, and this individual cannot be located, the animal control officer shall secure an appropriate warrant to pick up the animal.

Sec. 4-9. - Nuisance.

- (a) It shall be unlawful for any person to own, keep, possess or maintain an animal in such a manner as to constitute a public nuisance or a nuisance to neighbors. By way of example and not of limitation, the following acts or actions of an owner, harborer or possessor of an animal are hereby declared to be a public nuisance and are, therefore, unlawful:
- (1) Having an animal 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, or public property;
 - (2) 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, flowers or vegetables, or repeatedly defecating upon the property of another;
 - (3) Maintaining animals in an environment of unsanitary conditions or lack of cleanliness which results in offensive odor or is dangerous to the public health, welfare or safety, or a failure to maintain a condition of good order and cleanliness which reduces the probability of transmission of disease;
 - (4) Maintaining property 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;
 - (5) Allowing or permitting an animal to bark, whine or howl in an excessive, continuous or untimely fashion so as to interfere with the reasonable use and enjoyment of neighboring premises;
 - (6) Maintaining an animal that is diseased and dangerous to the public health;
 - (7) Maintaining an animal that habitually or repeatedly chases, snaps at, threatens, attacks or barks at pedestrians, joggers, dogs walked on a leash by owners, bicycles, or vehicles; or
 - (8) Failing to confine a female dog or cat, while in season, in a building or secure enclosure in such a manner that she cannot come into contact with another dog or cat or creates a nuisance by attracting other animals; provided this section shall not be construed to prohibit the intentional breeding of animals within an enclosed, concealed area on the premises of the owner of an animal which is being bred.
- (b) In addition to any other enforcement remedies available under this chapter, if the animal control officer shall declare an animal a nuisance under this section then the animal control officer has the authority to order the owner to confine the animal in accordance with the animal control officer's instructions. It shall be unlawful for the owner to fail to comply with such an order or with the instructions in the order.

Sec. 4-10. - Seizure, destruction of animals adjudged nuisances; disposal of impounded animals; compensation to owners.

- (a) When a court of competent jurisdiction adjudges an animal a nuisance under this chapter or other law, the animal control officer may seize and impound the animal and humanely destroy the animal or dispose of it in accordance with the provisions of this chapter. The animal control officer may likewise humanely destroy or dispose of any animal impounded pursuant to this chapter where:
 - (1) No owner exists;
 - (2) No owner is identified after reasonable attempts by the animal control officer to do so for a reasonable period of time;
 - (3) An owner exists but cannot be contacted after reasonable attempts by the animal control officer to do so for a reasonable period of time; or
 - (4) An owner has been contacted but has by his actions, fails to act, or statements indicated an intent to abandon the animal.
- (b) The animal control officer and/or employees of the impoundment facility shall make every reasonable effort to identify and notify owners or keepers of the impoundment of their animal pursuant to this chapter. The period of impoundment by the animal control officer shall be reasonable based on the situation but in all but extreme cases shall be for a minimum of three days in which the impoundment facility is open to the public. The council reserves the right to change the minimum period by resolution. Where the animal control officer complies fully and makes every reasonable effort based on the situation to identify and notify such owners and keepers, and where such efforts fail, the animal will be deemed property of the SPCA.

Sec. 4-11. - Registration and confinement of a dangerous animal.

- (a) Once an animal has been deemed a dangerous animal, either by the owner, animal control officer, or a judicial entity, the owner of such animal must register that animal with the animal control officer. The registration application must be accompanied by proof of liability insurance of at least \$50,000.00 insuring or securing the owner for personal injuries inflicted by the dangerous animal. Insurance must be maintained for the life of the animal. The animal control officer shall provide to the owner registering the dangerous animal a metal license tag and a certificate which indicates the designation as a dangerous animal. The metal license tag at all times must be attached to a collar or harness worn by the dangerous animal for which the certificate and tag have been issued. The collar or harness must be worn at all times by the dangerous animal.
- (b) The owner or keeper of a dangerous animal will confine the animal as directed by the animal control officer; normally the animal must be placed within a fence, pen or run area inside a primary fence. The enclosure, if accessible by the public, will be marked with a warning sign indicating "Dangerous Animal." The area must be totally enclosed and designed to prevent the escape of the animal and to prevent entry by the general public. Dangerous animals shall not be permitted beyond premises unless safely restrained.

Sec. 4-12. - Seizure of animals by property owners or tenants; delivery to animal control officer; impoundment and disposal; standard of care to be exercised by seizing party.

The council finds and declares that problems of animal overpopulation in the county require not only the resources of the county's code enforcement department, but also the aid and assistance of private deputies. Therefore:

- (1) It is lawful for a property owner or tenant to pick up in a humane manner any dog or other animal running at large on his property in violation of section 4-7. Where such a pick up is made, the property owner or tenant shall immediately contact the animal control officer or deliver the animal to the impoundment facility. The property owner or tenant shall treat the animal humanely and shall exercise utmost care to ensure the animal's safety and well-being.
- (2) The animal control officer may impound any animal delivered by a property owner or tenant pursuant to subsection (1) of this section and may release or dispose of the animal pursuant to this chapter.
- (3) Any person who picks up an animal pursuant to this section shall exercise utmost care to treat the animal humanely and to avoid any injury, sickness, hunger or any other ailment or affliction whatsoever in both the seizure of the animal and the delivery of the animal to the animal control officer or SPCA. Any person unable to comply with the foregoing for any reason shall not seize and deliver any animal, and any person who does injure or maim any animal or who does subject an animal to hunger, sickness, or any other ailment or affliction, either intentionally or negligently, in the exercise of the person's authority under this section, is in violation of this chapter and subject to the penalties herein.
- (4) It is unlawful for any person to entice or lure any animal out of an enclosure or off the property of its owner or keeper, or to seize, molest or tease any animal while the animal is controlled by its owner or keeper or while the animal is on the property of its owner or keeper.

Sec. 4-13. - Sale of domestic animals prohibited in certain places.

No person shall sell, offer for sale, trade, barter, auction, lease, rent, give away or display for any commercial purpose, any domestic animal on any roadside, public right-of-way, public property, commercial or institutional parking lot, sidewalk, flea market, fair, or carnival; provided, however, that this prohibition shall not extend to any animal rescue organization which operates within the political boundaries of the county, and are registered as such an organization with the South Carolina Secretary of State's Office.

Sec. 4-14. - Enforcement; fines.

- (a) *Violations observed.* Upon observing a violation of this chapter, the animal control officer or any other law enforcement or code enforcement officer may either:

- (1) Issue a warning citation to the owner or keeper of the animal, provided the citation states the date and time of issuance, the name and address of the person accused, the nature of the offense, a description of the animal involved, and a demand that the offense be abated within a reasonable period, normally 72 hours and the person cited shall abate the offense as directed or the animal control officer shall, without delay, commence prosecution of the offense pursuant to the rules of criminal procedure;
 - (2) Commence prosecution of the offense; or
 - (3) Impound the animal that is the subject to the violation and commence prosecution of the offense.
- (b) *Complaints of violations not observed.* Upon receipt of a complaint, the animal control officer or other law enforcement officers shall investigate the complaint to determine whether there is reasonable belief that a violation of this chapter has occurred. If reasonable belief exists, the animal control officer shall commence prosecution of the offense.
- (c) *Fines.* Upon conviction, any person violating this chapter shall be fined an amount not to exceed \$500.00 or 30 days in jail, or both. Each day during which the violation continues shall be deemed a separate offense.

Sec. 4-15. - Surrender of animal to the animal control officer; interference with the animal control officer in performance of duty.

It is unlawful for any person to refuse to surrender an animal upon lawful demand by the animal control officer. It is unlawful for any person to attempt to take any animal from the custody of the animal control officer or codes enforcement manager of the animal control division, to attempt to take any animal from an impoundment facility without permission of the animal control officer, or otherwise interfere with the animal control officer in the performance of his duties under this chapter.

Sec. 4-16. - Quarantine provisions; impoundment and treatment of sick and injured animals; disposal of dead animals.

- (a) When an animal has bitten a person or another animal, or is believed to have bitten a person or another animal, or is suspected by the animal control officer to have rabies, it shall be quarantined, under supervision of the animal control officer in coordination with the state department of health and environmental control (SCDHEC), by the owner or, at the discretion of the animal control officer, the animal may be held in quarantine at the impoundment facility at the owner's or keeper's expense. The quarantine shall be for a reasonable period of time, as determined by the animal control officer, but in no case less than ten days.
- (b) The animal control officer may impound any animal believed to be carrying an infectious or contagious disease, or any injured animal, and may retain the services of a licensed veterinarian to treat it. The animal control officer may accept a sick or injured animal upon delivery by a licensed veterinarian or other person. When a sick or injured animal is owned and the owner is identified, such owner shall be liable for payment of veterinary

expenses and/or reimbursement of the county's expenses in treating the animal. At the discretion of the animal control officer, a sick or injured animal may be destroyed or otherwise disposed of, and its remains disposed of without compensation to the owner or keeper, provided that the animal control officer shall make reasonable effort to notify the owner or keeper that the animal is impounded.

- (c) An impounded dog or cat that is not inoculated against rabies shall not be released until provisions have been made to inoculate the animal. The applicable fee for vaccination will be charged. When an impounded animal is not claimed within a reasonable period of time, normally not less than three operating days the animal control officer may transfer control of disposition of the animal to the impoundment facility. In either event, the owner or keeper will not be entitled to compensation.
- (d) When an animal dies, the owner or keeper of the animal shall dispose of the remains immediately. When the animal control officer discovers a dead animal, he shall notify the owner or keeper, if known, and shall order the owner or keeper to dispose of the remains immediately. If the owner or keeper is unknown, the animal control officer will assist in the disposal of the dead animal and notify the property owner if practical.

Sec. 4-17. - Rules and regulations.

Council may enact reasonable rules and regulations to implement and carry out the provisions of this chapter, including, but not limited to, the right to regulate or exempt certain animals from this chapter, and the right to regulate the numbers and types of animals and the conditions under which they may be maintained in residentially zoned areas.

Sec. 4-18. - Construction of provisions.

The provisions of this chapter shall be liberally construed in order to affect the purposes of this chapter.

Sec. 4-19. - Areas of enforcement.

The council may enforce this chapter throughout the unincorporated areas of the county, and within the incorporated areas of the county to the extent this chapter does not conflict with any municipal ordinance.

Sec. 4-20 - Free Roaming Cat Program

- 1) Free roaming cats shall be allowed in Dorchester County as long as all of the following requirements are met:
 - a) Cats must be spayed or neutered.
 - b) Cats must be microchipped.
 - c) Cats must be vaccinated for rabies
 - d) Cats must be ear tipped.

- 2) Notwithstanding the above, a person who owns, keeps, possesses, or maintains a free roaming cat shall be subject to the provisions of Sec. 4-9 Nuisance above. In other words, merely because a cat is allowed to be free roaming pursuant to this Section, a person who owns, keeps, possesses, or maintains such a cat may still be subject to prosecution pursuant to the provisions of Section 4-9 Nuisance above if said Section is violated.