

STATE OF SOUTH CAROLINA

COUNTY OF ORANGEBURG

ORDINANCE NUMBER 2009-12-07-12

Sponsor: _____

**AN ORDINANCE
REPEALING CHAPTER 4 OF THE ORANGEBURG COUNTY CODE OF ORDINANCES
REGARDING ANIMALS AND FOWL
AND
ENACTING THE ORANGEBURG COUNTY ANIMAL CONTROL CODE**

WHEREAS, the Orangeburg County Code of Ordinances (the "Code") contains A duly enacted Chapter 4 styled as follows: Animals and Fowl, Articles I through IV (the "Animal and Fowl Ordinance");

WHEREAS, Council has studied and discussed the Animal and Fowl Ordinance and the current statutes of the State of South Carolina regarding animal control as part of Council's goal of systematically reviewing and updating the Code;

WHEREAS, Council finds that it is in the best interests of the citizens of Orangeburg County to update the Code to repeal the Animal and Fowl Ordinance and enact an animal control code.

NOW, THEREFORE, pursuant to the authority granted to the County Council for Orangeburg County under the Constitution, statutes, and laws of the State of South Carolina, **BE IT ENACTED** by the Orangeburg County Council, in meeting duly assembled, after three readings and a public hearing, the following ordinance:

SECTION I. REPEAL AND ENACTMENT

A. REPEAL OF ANIMAL AND FOWL ORDINANCE

Chapter 4 styled Animals and Fowl, Articles I through IV, as has been amended from time-to-time prior to October 19, 2009, of the Orangeburg County Code of Ordinances is hereby **REPEALED**.

B. ENACTMENT OF ANIMAL CONTROL ORDINANCE

The Animal Control Code is hereby **ENACTED**. Attached to this authorizing ordinance as Attachment 1 is a complete copy of the Animal Control Code that Council hereby enacts. The attached Animal Control Code is incorporated by reference as if it were set forth verbatim here.

SECTION II. EFFECTIVE DATE

This ordinance shall become effective immediately upon approval at third reading.

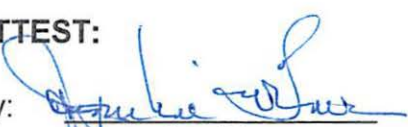
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GAIL LANEY
REGISTER OF DEEDS
ORANGEBURG CO., S.C.

ADOPTED and **APPROVED** in meeting duly assembled this 7th day of December, 2009.

ORANGEBURG COUNTY COUNCIL

By: 
Johnnie Wright, Sr.
In His Capacity as Chairman

ATTEST:

By: 
Jacqueline Turner
In Her Capacity as Clerk to Council

First Reading by Title Only:	October 19, 2009
Public Hearing:	November 2, 2009
Second Reading:	November 16, 2009
	Motion by J. Ravenell; second by W.B. Owens; vote unanimous
Third Reading:	December 7, 2009
	Motion by <u>W. Owens</u> ; second by <u>J. Cooper</u> ; vote <u>6-1</u>

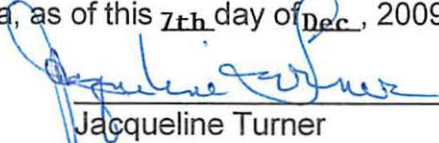
STATE OF SOUTH CAROLINA)
)
COUNTY OF ORANGEBURG)

I, the undersigned, Clerk to County Council of Orangeburg County ("County Council"), DO HEREBY CERTIFY:

That the foregoing constitutes a true, correct and verbatim copy of an Ordinance adopted by the County Council. The Ordinance was read and received a favorable vote at three public meetings of the County Council on three separate days. At least one day passed between first and second reading, and at least seven days passed between second and third reading. In addition, the County Council held a public hearing on the Ordinance prior to third reading. At each meeting, a quorum of the County Council was present and remained throughout the meeting.

The Ordinance is now in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my Hand and the Seal of Orangeburg County Council, South Carolina, as of this 7th day of Dec, 2009.



Jacqueline Turner
Clerk to Orangeburg County Council
Orangeburg County, South Carolina

ATTACHMENT 1
ANIMAL CONTROL CODE

ORANGEBURG COUNTY
ANIMAL CONTROL CODE
Ordinance Number 2009-12-07-__

Summary of Orangeburg County Council approval process:

10/15/2009	Publication of notice of public hearing to be held on 11/02/2009
10/19/2009	First Reading by Title Only
11/02/2009	Public Hearing
11/02/2009	Second Reading carried forward
11/16/2009	Second Reading
12/07/2009	Third Reading
12/07/2009	Effective immediately upon approval at third reading

ANIMAL CONTROL CODE

ARTICLE 1—GENERAL PROVISIONS

Part A – Legislative History

§1-101 Authorization.

Council enacts its animal control ordinance and this Code pursuant to the authority the State has granted to counties in Title 47 of the South Carolina Code.

§1-102 Findings and Purposes.

Council finds that the County has limited resources to devote to a multitude of needs, As to animal control needs, Council finds the top priorities are controlling dogs and cats and eliminating any further additions of exotic creatures within the enforcement areas of the County. As a result, the main purposes of this Code are as follows:

1. To control dogs and cats located in the enforcement areas of the County;
2. To eliminate any further additions of exotic creatures within the enforcement areas of the County.

Part B – Other Laws

§1-201 Repeal; Severance.

1. All County ordinances, policies, rules and regulations pertaining to animal control that pre-date November 16, 2009 are repealed.
2. If any Code provision or its application is held to be invalid, such invalidity shall not affect other Code provisions or applications that are valid.

§1-202 Construction With Other Laws.

The Code and the Regulations and Operating Policies shall:

1. Be construed to promote the purposes stated in §1-102 of the Code;
2. Supersede all conflicting, non-mandatory common law, equitable principles, and statutory law of South Carolina to the extent of the conflict;
3. Be supplemented by non-conflicting common law, equitable principles of law and statutory law of South Carolina, unless such supplementation would negate or undermine a purpose stated in §1-102 of the Code.

Part C – Application

§1-301 Application of Code.

Application of the Code varies by time period as follows:

1. As to any matter for which an ordinance summons has been issued prior to the Effective Date, the summons shall be disposed of in accordance with the County's previous animal control ordinance.

2. As to any matter for which a ticket has not yet been issued as of the Effective Date, the Code shall govern.

Part D – Definitions

§1-401 Definitions.

In this Code, the following words shall have the meanings set forth below, unless (a) a different definition is stated in a particular Article or provision or (b) the context of use clearly requires a different meaning:

1. *Administrator* means the Orangeburg County Administrator.
2. *Abandonment* means leaving an animal without either (a) securing another keeper or (b) providing it with basic necessities.
3. *Animal* means a dog or cat, including domesticated and feral.
4. *Animal control officer or ACO* means a County employee (a) assigned to the Department and (b) duly appointed by Council to enforce this Code. Reference to an ACO shall include reference to the Director.
5. *Animal shelter* means the property the County designates for impounding, caring for, or euthanizing animals that come into the custody of the Department due to enforcement of this Code.
6. *At large* means an animal that is either (a) without a keeper or (b) off its keeper's premises and not under the keeper's restraint.
7. *Basic necessities* means food, water, proper cover from exposure to the elements or adverse weather, grooming and medication in sufficient quantity and quality to meet the relevant animal's health needs. Basic necessities include those items defined in Title 47, Chapter 1 of the State Code as "necessities of life."
8. *Code* means this Orangeburg County Animal Control Code, Articles 1 through 5.
9. *Confine* or *confinement* means secured indoors or within an enclosed area upon the keeper's property. If invisible fencing is used for this purpose, the invisible fencing must be clearly marked and labeled.
10. *Council* means the Orangeburg County Council, the governing body of the County.
11. *County* means Orangeburg County, South Carolina.
12. *Cruel or inhumane manner* means any one or more of the following:
 - a. A keeper's failure to provide an animal with basic necessities;
 - b. Infliction of unnecessary pain or suffering upon an animal;
 - c. To knowingly or intentionally injure, disable, poison or cruelly kill an animal;
 - d. To torture, torment, or mutilate an animal.
13. *Dangerous* means an animal that evidences an abnormal inclination to attack humans or animals without provocation as set forth in Section 47-3-10 of the State Code. An animal shall not be deemed a dangerous animal solely by reason of its breed.
14. *Diseased animal* means an animal afflicted with a disease that is contagious or may otherwise adversely affect the health of a human or another animal.
15. *Department* means the County Animal Control Department.
16. *Director* means the person holding the position within the County Animal Control

Department of Animal Control Director.

17. *Effective date* means November 16, 2009.
18. *Enforcement area* means the unincorporated areas of Orangeburg County, South Carolina and any municipality within that area that has duly authorized the County to enforce this Code within its municipal boundaries.
19. *Euthanasia, euthanize, or euthanized* mean only the methods of destruction provided by the then-current South Carolina Code for impounded animals.
20. *Exotic creatures* refers to the following creatures:
 - a. *General Description.* Any type of carnivore that, by reason of inherent, natural propensities of the type of creature, poses a threat of serious bodily injury to a human. The test for whether a carnivore poses such a threat is not a subjective test as to the particular creature or the particular circumstance, but is an objective test that is stated as follows: a reasonable person would conclude that the creature poses a threat of serious bodily injury to a human if a human is confined with the type of creature and the creature is unrestrained.
 - b. *Specific Creatures Deemed Exotic.* Exotic creatures is a category that includes, but is not limited to, the following: lions, tigers, cougars, leopards, ocelots, and other wild cats; bears, wolves, coyotes, jackals, and canine hybrids of same; crocodiles, alligators, and similar carnivores; monitors; those types of snakes that fit the foregoing general description of exotic creature; and those creatures which, when in captivity in the United States, have traditionally been confined in zoos.
 - c. *Specific Creatures Exempt from the Category of Exotic Creatures.* Creatures traditionally associated with agriculture in the United States shall not be considered exotic creatures.
21. *Exposure to rabies* means any person or animal which has been bitten by or exposed to any animal known to have been infected with rabies. This determination shall be made by the South Carolina Department of Health and Environmental Control as provided for in state law.
22. *Feed or feeding* means furnishing food or other sustenance essential for an animal's growth, maintenance or survival.
23. *Impound* means the placement by an ACO of an animal into the custody of the animal shelter and the period the animal is held by the animal shelter.
24. *Keeper* means any person who has a right of property in an animal; or keeps or harbors an animal; or has an animal in his/her care; or acts as an animal's custodian, such as providing it with any of the basic necessities; or permits an animal to remain on or about premises the keeper occupies. Keeper shall include the owner of an animal. Keeper shall not include an ACO or any person acting within his/her duties regarding the animal at the animal shelter.
25. *Kennel* means a location for the business of breeding, buying, selling or boarding animals. A cattery shall also be considered a kennel. Kennel does not include a residence where the owner of the residence keeps a pet and may, on rare occasion, breed that pet and sell the offspring.
26. *May* is permissive, not mandatory.
27. *Nuisance* means 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. Examples of nuisance animals include, but are not limited to the following: a dog that habitually barks excessively or continuously; an animal that habitually attacks other animals; an animal that damages property while on the property of one other than its keeper's; or an animal that is repeatedly present on the property of someone other than its keeper's.

28. *Positively identifiable* means an animal that bears the correct and current mailing address information of its most-recent keeper such that an ACO may mail a certified letter to the address to notify the keeper that the animal is impounded.
29. *Person* means any legal entity including, but not limited, a natural person or individual, an association of same, or a business entity such as a partnership, company, or corporation.
30. *Proper cover* means any item that provides an animal with both adequate protection from weather and adequate ventilation.
31. *Public notice* means the distribution or dissemination of information to interested persons using a method reasonably available. At the Director's option, such method may include any one or more of the following: posting on a County-designated website such as the official County website; or posting on a bulletin board in the public area of the animal shelter. Public notice does not replace and is not a substitute for mailing notice to the most-recent keeper of a positively identifiable animal.
32. *Regulations and Operating Policies* means those duly authorized and established in accordance with the administrative procedure set forth in Article 2 this Code. The Regulations and Operating Policies will describe organizational procedures or practices, clarify or interpret provisions of the Code.
33. *Restraint* means controlled by one of the following means: a chain, leash or other restraining device; or sufficiently near the keeper to be under the keeper's direct control and obedient to the keeper's commands; or confined on the enclosed property of the keeper or on the enclosed property of another with that other property owner's permission; or confined in a vehicle while the vehicle is being driven.
34. *Shall* is mandatory, not permissive.
35. *State* means the State of South Carolina.
36. *State Code* means Title 47, Chapters 1 (Cruelty to Animals), 2 (Dogs and Other Domestic Pets) and 5 (Rabies Control) of the then-current South Carolina Code.
37. *Sterilize* an animal means to permanently incapacitate an animal from reproducing.
38. *Stray* means an animal at large.
39. *Substantiated report* means
 - a. A written, sworn statement regarding an alleged violation of the Code signed by a person with sufficient personal knowledge of the information necessary to fully support that a particular keeper has engaged in a violation or a violation has occurred; or
 - b. A report from an ACO who has personally witnessed a violation and is willing to testify in court regarding all information necessary to fully support that a particular keeper has engaged in a violation or a violation has occurred.
40. *Ticket* means either a warning ticket or an ordinance summons.

41. *Unsubstantiated report* means information received by an ACO of an alleged violation of the Code that does not rise to the minimum level necessary to be categorized as a substantiated report. Examples of unsubstantiated reports would include, but not be limited to, those in which the reporting person desires to remain anonymous, refuses to sign a written, sworn statement, or has insufficient personal knowledge of the information necessary to fully support that a violation has occurred.
42. *Written or in writing* means the product of any method of forming characters on paper, other materials, or viewable screens, which can be read, retrieved, and reproduced, including information that is electronically transmitted and stored.

ANIMAL CONTROL CODE

Article 2 – Animal Control Organization

§2-101 Animal Control Department.

The County shall maintain an Animal Control Department. The Department shall be operated as a part of the administration of the County and shall not be under the supervision or control of the Orangeburg County Sheriff. The County may employ such personnel and provide such equipment reasonably necessary for the Department to enforce the Code up to, but not exceeding, what Council authorized in the Department's annual budget.

§2-102 Animal Control Director.

The head of the Department shall be known as the Director.

1. *Appointment.* With input from the deputy administrator of the division that supervises the Department, the Administrator shall appoint the Director.
2. *Qualifications.* To be qualified for appointment as Director, the candidate shall possess whatever is required in the then-current County job description for the position.
3. *Limitations, Duties, Powers.*
 - a. *Specific Limitation.* The Director shall not be empowered to hire Department personnel.
 - b. *Duties.* The Director shall have the duty to:
 - i. Supervise and control Department personnel, including causing personnel to receive and remain current as to State-mandated training, initiating disciplinary action when appropriate;
 - ii. Supervise, control and maintain the animal shelter;
 - iii. Collect and turn over to the County Treasurer all kennel inspection, redemption and boarding fees;
 - iv. Retain and dispose of all Department records in accordance with mandatory State law and, if more extensive, in accordance with the County's records retention guidelines and schedules; and
 - v. Seek legal assistance from the Office of the County Attorney in carrying out the duties and powers of the Director.
 - c. *Powers.*
 - i. Consistent with the provisions of this Code, the Director has the power to establish or revoke Regulations and Operating Policies pursuant to the following procedure:
 1. The Director shall confer with the County Attorney to create or revoke a written regulation or operational policy;

2. The Director shall submit any proposal or revocation to the deputy administrator in the Director's chain of command who shall either (i) recommend same to the Administrator or (ii) return same to the Director noting the reason(s) for not recommending same to the Administrator. If the deputy administrator decides to make a recommendation, the deputy administrator shall present it to the Administrator who, in turn, will either consent to or reject same, and return it to the deputy administrator for appropriate action.
 3. The Director shall maintain a centralized filing system for all proposed regulations and operational policies, whether established, rejected, or revoked, that preserves each and its disposition through the relevant chain of command.
 4. The Director shall maintain a centralized filing system of the then-current regulations and operational policies that will be known as the Regulations and Operational Policies. The centralized filing system shall be such that whatever is currently in effect is separate from what is not in effect, and those in effect are easily identifiable and accessible to the public.
- ii. After turning fees over to the Treasurer, the Director shall have access to kennel, redemption and boarding fees for use in defraying the cost of operating the animal shelter.

§2-103 Animal Control Officers.

1. Upon the advice of the Director, deputy administrator and Administrator, Council shall determine whether to appoint an employee as an ACO. No person shall act as an ACO unless a current appointee of Council.
2. No person shall be eligible for appointment as an ACO until the following have all occurred:
 - a. The person has successfully completed all State-mandated training, including certification as a euthanasia technician; and
 - b. The person has successfully completed any County-required training.
3. The Director shall relieve an ACO of duties if at any time during the ACO's tenure the ACO is out of compliance with any required certifications or ongoing training requirements.
4. An ACO shall have the duty and the power to enforce this Code within the enforcement areas.
5. ACOs shall not take custody of an animal unless there is room at the animal shelter to impound the animal.

§2-104 Animal Shelter.

In accordance with §47-3-30, a County animal shelter shall be maintained for the following purposes:

43. For evaluation of animals the ACOs have taken into custody;
44. For one of the following post-evaluation dispositions:
 - a. Impoundment of qualified animals for the applicable time period; or
 - b. Euthanasia and disposal of animals not qualified for impoundment.

45. For sheltering impounded animals;
46. For keeper redemption of impounded animals; and
47. For final disposition of unredeemed animals at the conclusion of the applicable impoundment period, including:
 - a. Transfer of ownership to the SPCA of those adoptable animals the SPCA is willing to receive; or
 - b. Euthanasia and disposal of the animals the SPCA is unable to receive.

The animal shelter shall not be used to receive animals abandoned at private care or boarding facilities.

§2-105 Municipal Enforcement.

This Code shall not apply within the boundaries of any municipality unless the following occurs:

1. The municipality adopts pursuant to its ordinance procedure this Code;
2. The municipality authorizes pursuant to its resolution procedure the then-current standard County intergovernmental agreement;
3. The County authorizes pursuant to its resolution procedure the then-current standard County intergovernmental agreement; and
4. The municipality and the County execute the then-current standard County intergovernmental agreement for County enforcement of the Code within the municipality's corporate boundaries.

If the foregoing has occurred, then the municipal boundaries of the relevant municipality shall be a part of the enforcement areas.

ANIMAL CONTROL CODE

ARTICLE 3—DUTIES AND VIOLATIONS

PART A – DUTIES OF GENERAL PUBLIC

§3-101 Duty - Rabies Reports: Threat to Public Health – Spread of Rabies.

1. Any person with personal knowledge that an animal is affected by rabies, is suspected of being affected by rabies, or has come into contact with a creature know or suspected of being affected by rabies, shall have a duty to immediately report that information to the Department. Failure to abide by any of these duties shall be a violation known as threat to public health – spread of rabies.
2. The Department shall have the duty to notify the appropriate State authorities of the report and, if the authority so requests, cooperate with the authority in locating the animal and investigating the report; however, the Department shall not have the duty to take the animal into custody.

§3-102 Duty - Bite Reports: Concealing a Threat to Public Health – Animal Bite.

1. Any person with knowledge that an animal or any creature susceptible to rabies has bitten any human shall have a duty to immediately report the incident to the Department, unless the person has knowledge that the animal was current on its rabies immunization at the time of the bite. Failure to abide by any of these duties shall be a violation known as concealing a threat to public health – animal bite.
2. The Department shall have the duty to notify the appropriate State authorities of the report and, if the authority so requests, cooperate with the authority in locating the animal and investigating the report; however, the Department shall not have the duty to take the animal into custody.

§3-103 Duty - Exotic Creatures: Threat to Public Health – Harboring Exotic Creature.

1. As of December 7, 2009, no person shall bring or maintain an exotic creature within the boundaries of the County. If a keeper cannot prove that the exotic creature was kept on a permanent basis within the boundaries of the County prior to December 7 2009, the keeper's violation shall be known as threat to public health – harboring exotic creature.
2. The Department shall have the duty to issue a ticket for this violation, but shall not have the duty to take custody of the exotic creature.

§3-104 Duty - Humane Treatment: Animal Cruelty.

1. Any person who intentionally interacts with an animal shall do so in a humane manner. Failure to abide by this duty shall be a violation known as animal cruelty.
2. Upon witnessing a violation of this provision, an ACO shall have the power, but not the duty, to impound the animal for redemption by its keeper.

§3-105 Duty – Non-Interference with ACO: Interference with ACO.

No person shall (1) interfere with, hinder or molest an ACO in the execution of an ACO's duties or (2) attempt to or release an animal in an ACO's custody. Failure to abide by either of these duties shall be a violation known as interference with ACO.

§3-106 Duty – Keeper Identification: Impersonating a Keeper.

No person shall: (1) falsely claim to be an animal's keeper for purposes of relinquishing the animal to the Department; or (2) attempt to or redeem an animal in the custody of the animal shelter, unless the person was the animal's keeper at the time the animal came into custody of the Department. Failure to abide by either of these duties shall be a violation known as impersonating a keeper.

PART B – DUTIES OF ANIMAL KEEPERS

§3-201 Duty - Rabies Control: Threat to Public Health – Spread of Rabies.

1. An animal keeper has the duty to have the animal inoculated against rabies at a frequency that provides continuous protection of the animal from rabies. The vaccine used for this purpose must be approved and licensed for this purpose by the relevant State and Federal authorities. The keeper shall have a valid certificate of rabies immunization readily available for inspection by an ACO to prove current immunization of the animal. The ACO shall accept a valid and current certificate from a State other than South Carolina for this purpose.
2. If an animal is not current in its rabies inoculation, its keeper has the duty to confine the animal to the inside of the keeper's residence, except when transporting the animal in an enclosed cage for administration of rabies vaccine.
3. An animal keeper shall have the animal inoculated against rabies within three (3) business days of the keeper's receipt of custody of the animal.
4. Failure to abide by any of these duties shall be a violation known as threat to the public health – spread of rabies.

§3-202 Duty - Kennel Inspection: Operation of Unauthorized Kennel.

Any person who shall own or operate a kennel within the County shall first obtain a certificate of inspection from the Director. The Director shall charge a fee of \$200.00 for a kennel inspection and the inspection certificate shall be effective for two calendar years. Failure to abide by this duty shall be the violation of operation of an unauthorized kennel.

§3-203 Duty – Control of Dangerous Animal: Threat to Public Health – Failure to Control Dangerous Animal.

1. A keeper of a deemed dangerous animal shall have the following duties and the failure to abide by any of the following duties shall be a violation known as threat to public health – failure to control dangerous animal:
 - a. Register the animal with the Department which registration process shall include the proof of liability insurance or bond set forth in Section 47-3-760(E) of the State Code;

- b. Fasten a special, animal license tag issued by the Department that identifies the animal as “DANGEROUS” to the animal’s collar which collar shall be worn by the dangerous animal at all times;
 - c. Contact the Department if any changes occur with the following:
 - i. Ownership of the animal;
 - ii. Name, address and telephone number of a new keeper;
 - iii. Address change of the keeper or any change in the location in which the dangerous animal is housed; or
 - iv. Any change in the health status of the animal, including the animal’s death.
 - d. Whenever the animal is within a structure, the structure shall be clearly marked at each entry point as containing a dangerous animal;
 - e. Whenever the animal is outdoors and attended, it shall be attended by its keeper, muzzled, on a leash, and fully under its keeper’s control;
 - f. Whenever the animal is outdoors and unattended, the keeper shall confine the animal in a locked enclosure suitable for confining a dangerous animal. For purposes of this section, a locked enclosure suitable for confining a dangerous animal shall, at a minimum, be humane as to climate, escape-proof, entry-proof to the general public, especially as to children, and clearly marked on each side as confining a dangerous animal.
2. Disposition Upon Impoundment.
- a. If an animal deemed dangerous is at large and is taken into custody by an ACO, the keeper may redeem the animal only if the animal has not previously been taken into custody by the Department.
 - b. If an animal is deemed dangerous, the animal shelter shall not relinquish it to the SPCA.
3. The Director shall have the authority to determine that an animal is dangerous. In the event that the Director finds an animal to be dangerous, the animal shall be deemed dangerous. The Director shall mail notice of his determination that an animal is dangerous to the animal’s keeper. In the event that the mailed notice is returned to the Director, the Director shall publish notice of the determination. The Director’s notice shall include the keeper’s duty to register the animal as dangerous with the Department.

§3-204 Duty – Control of Diseased Animal: Threat to Public Health - Failure to Maintain Animal Quarantine.

If an animal is afflicted with a contagious or infectious disease, its keeper shall have a duty to keep the animal quarantined on the keeper’s property and away from exposure to humans or other animals. Failure to abide by this duty shall be a violation known as threat to the public health - failure to maintain animal quarantine.

§3-205 Duty – Disposal of Dead Animal: Threat to Public Health - Unauthorized Disposal of Dead Animal.

If an animal dies, the animal’s most recent keeper shall have a duty to promptly dispose of the animal by cremation, burial or other sanitary means. Failure to abide by this duty shall be the

violation of threat to public health - unauthorized disposal of dead animal. In addition, if the Department disposes of a dead animal, the animal's most-recent keeper shall be required to pay the Department a reasonable fee to cover the administration and disposal costs.

§3-206 Duty – Fighting: Animal Cruelty – Dog Fighting.

A keeper shall not cause his dog to be trained for illegal dog fighting or allow his animal to participate in an illegal dog fight. Failure to abide by any of these duties shall be a violation known as animal cruelty – dog fighting.

§3-207 Duty - Basic Necessities: Animal Cruelty - Abandonment.

A keeper shall have a duty to provide his animal with basic necessities. Failure to abide by this duty shall be a violation known as animal cruelty - abandonment.

§3-208 Duty - Humane Treatment: Animal Cruelty.

A keeper shall have a duty to treat his animal in a humane manner. Failure to abide by this duty shall be the violation of animal cruelty.

§3-209 Duty - Confinement and Restraint: Nuisance – Animal At Large.

A keeper shall keep an animal under confined or under restraint at all times. Failure to abide by this duty shall be the violation of nuisance – animal at large.

§3-210 Duty – Peaceful Enjoyment: Nuisance - Harboring Nuisance Animal.

1. A keeper shall have a duty to maintain an animal in a manner such that the animal does not interfere with the peaceful enjoyment of persons on other properties. Failure to abide by this duty shall be the violation of nuisance - harboring nuisance animal.
2. Examples of the violation of nuisance – harboring a nuisance animal, include, but are not limited to, the following: a keeper's failure to remove its animal's excreta deposited on public walk ways, recreation areas, or private property; a keeper's failure on a regular or frequent basis to control the sounds or smells of its animal from emanating to the property of others such that the sounds or smells interfere with peaceful enjoyment of the other property; a keeper's failure on a regular or frequent basis to confine or restrain its animal followed by the animal causing damage or destruction of property belonging to one other than the keeper.

§3-211 Duty – Identification: Secondary Offense – Failure to Identify.

1. A keeper shall have a duty to securely fasten an identification tag to the animal's collar. The identification tag must clearly indicate sufficient information for an ACO to contact the keeper, such as the keeper's current telephone number, physical address or e-mail address.
2. The keeper shall have the duty to ensure that the animal wears the identification-tagged collar at all times that the animal is off the keeper's property, unless the keeper and the animal are engaged in hunting or other activity where a collar might endanger the animal's safety.
3. Notwithstanding a keeper's failure to abide by the identification duties in this provision,

an ACO shall not ticket a keeper for the violation of failure to identify animal unless the ACO is also issuing the keeper a ticket for violation of another section of this Code.

4. Failure to abide by these duties when accompanied by failure to abide by another duty in this Article shall be the violation of secondary offense - failure to identify animal.

ANIMAL CONTROL CODE

ARTICLE 4—ANIMALS TAKEN INTO CUSTODY

Part A – Grounds for Custody

§4-101 Grounds for Taking an Animal Into Custody.

An ACO shall have the power, but not the duty, to take an animal into custody under the following circumstances:

1. An animal is at large;
2. An animal is delivered to the animal shelter and the person so delivering the animal signs a sworn statement that includes the following:
 - a. That s/he is not and has not been a keeper of the animal as that term is defined in this Code;
 - b. That s/he took custody of the animal while the animal was at large;
 - c. A description of all information of which s/he is aware as to the animal's keeper; and
 - d. An indemnity and hold harmless agreement in favor of the County as to any third party claims if it is established that the information the person provided as to §4-101.2.a., b. or c. was false or was knowingly deficient.
3. An animal is in a situation that would not result but for its most-recent keeper's failure to act in accordance with a duty set forth in Article 3 Part B; or
4. An animal has been subjected to cruelty or inhumane treatment.

Part B – Evaluation and Post-Evaluation Dispositions

§4-201 Evaluation of Animal Taken Into Custody.

1. *In General.* An ACO who takes an animal into custody shall transfer custody of the animal to the animal shelter. Animal shelter personnel shall evaluate the animal to determine (a) whether it bears any identification, which evaluation shall include a microchip scan, if applicable, under §47-3-55(A) and (D) of the State Code, and (b) whether it is qualified for impoundment.
2. *Notice.* If the evaluation reveals that it is positively identifiable, then animal shelter personnel shall make a good faith effort to contact the keeper as required by §47-3-540 of the State Code. If the animal is qualified for impoundment, regardless of whether it is or is not positively identifiable, the animal shelter shall post public notice of the animal's impoundment.
3. *Impoundment.* If the animal is qualified for impoundment, animal shelter personnel shall establish the applicable impoundment period in accordance with §4-202.1. If the animal is disqualified from impoundment pursuant to §4-202.2, then the animal shall be euthanized.

§4-202 Impoundment Qualifications; Disqualifications.

1. If the evaluation demonstrates that the animal fits into one of the following categories,

the animal qualifies for impoundment and animal shelter personnel shall impound the animal:

- a. Positively identifiable animals;
 - b. Animals that appear to belong to keepers, including animals wearing collars, appearing groomed, following one or more common commands; or bearing other indicia of ownership.
2. If the evaluation demonstrates that the animal fits into one of the following categories, the animal shall be disqualified from impoundment and animal shelter personnel shall have the animal euthanized:
- a. A deemed dangerous animal that has previously been redeemed by a keeper;
 - b. A dog that exhibits feral characteristics in response to human approach, such as snarling, bearing teeth, or snapping;
 - c. An animal that is injured or diseased to the point that a reasonable person would conclude that the animal is either (a) in critical condition or (b) past recovering.

§4-203 Impoundment Time Periods; Effect.

If an animal qualifies for impoundment, the animal shall be impounded for one of the following time periods:

1. If the animal is positively identifiable, for a period of at least 21 calendar days after posting public notice and no less than provided by Section 47-3-540 of the State Code after certified mailing, unless its keeper redeems it before the period ends;
2. If the animal is not positively identifiable, but has evidence that it is current as to the State's rabies inoculation requirements, for a period of 21 calendar days after posting public notice, unless its keeper redeems it before the period ends;
3. If the animal is neither positively identifiable nor bears evidence it is current as to the State's rabies inoculation requirements, but appears to belong to a keeper, for a period of 5 calendar days after posting public notice, unless its keeper redeems it before the period ends;
4. If the animal does not fit into any of the foregoing categories, but appears to be adoptable, for a period of 5 calendar days after posting public notice.

If an animal that qualifies for impoundment is impounded for the applicable time period without being redeemed by its keeper, the animal shall become the property of the County.

§4-204 Disposition of Impounded Animals.

An impounded animal shall have one of the following dispositions:

1. *Judicial Disposition.* If an animal is impounded, the Director may move for a judicial hearing regarding the disposition of the animal. In that event, the animal shall be handled in accordance with the court's order.
2. *Redemption.* If the animal's most-recent keeper successfully applies for redemption of the animal, including paying the redemption and boarding fees due, then the animal may be redeemed.
3. If the animal is not redeemed within the applicable impoundment period, ownership of the animal shall be deemed transferred to the County, and the County shall, subsequent to that event, take one of the following three actions:

- a. Transfer of ownership from the County to the SPCA;
- b. Continue impoundment until such time as another animal qualified for impoundment is taken into custody of an ACO and placed in the animal shelter; or
- c. Euthanize and dispose of the animal.

If the animal is positively identifiable, the animal shall not be euthanized until animal shelter personnel have completed the statutory notification process set forth in Section 47-3-540 of the State Code, including the waiting period following mailing of the statutory notice. In the case of a positively identifiable animal being redeemed by its keeper, the animal shelter shall charge the keeper with the reasonable costs associated with this procedure as well as the applicable impoundment and boarding fees.

Part C - Impoundment and Redemption Procedures and Fees

§4-301 Impoundment Procedures.

1. Records. Animal shelter personnel shall keep complete records of all animals impounded.
2. Public Notice. By 5:00 p.m. on the day that the animal shelter takes custody of an animal that qualifies for impoundment, the animal shelter shall post public notice of the animal's impoundment and notice of the redemption procedure. In describing the animal or the circumstances attendant to its being taken into custody, the Director shall endeavor to strike the delicate balance between making the animal identifiable to its keeper and enabling one who is not the keeper to engage in the violation of impersonating a keeper.
3. Microchip. In addition, if an impounded animal is found to have an identifying microchip, then the Director shall comply with the provisions of Section 47-3-55 of the State Code. In the event the animal's records indicate a primary and a secondary keeper, the Director shall use reasonable effort to contact both keepers.

§4-302 Redemption Procedures.

1. The most recent keeper of an impounded animal shall have the privilege to apply to redeem the animal during the applicable impoundment period if:
 - a. The animal is not a deemed dangerous animal that has previously been redeemed;
 - b. The person claiming to be the most recent keeper:
 - i. Can identify the animal;
 - ii. Presents proof that the animal is currently in compliance with State rabies inoculation laws;
 - iii. Pays the animal shelter (a) the applicable redemption fee and (b) all boarding fees for the period of impoundment; and
 - iv. if applicable, accepts service of an ordinance summons for any applicable Code violation other than the violation of having an animal at large.
 - c. The ACO confirms that the keeper has resolved the condition or situation that led to the animal's impoundment.
2. In the event that the most recent keeper of an impounded animal shall apply to redeem the animal, and is able to meet all of the requirements of §4-302.1, except as to proof of current rabies inoculation, then the keeper shall be allowed to redeem the animal if he

accepts service of an ordinance summons for a violation of threat to the public health. In the event that the keeper redeems an animal under the procedure provided in this section, the ACO shall not prosecute the violation of threat to the public health if, prior to the hearing on the ordinance summons, the keeper presents proof to the ACO that the animal is currently in compliance with State rabies inoculation laws.

§4-303 Fees.

1. *Redemption Fees.* The amount of the redemption fee that a keeper must pay shall be as follows:
 - a. If the animal has not previously been impounded, \$15.00;
 - b. If the animal has been impounded and redeemed once before, \$30.00; or
 - c. If the animal has been impounded and redeemed twice or more before, \$50.00.
2. *Boarding Fees.* The amount of the boarding fee that a keeper must pay when redeeming an animal shall be as follows:
 - a. If the animal has not previously been impounded, no fee for the first five (5) days of impoundment and \$5.00 for each day of impoundment exceeding five (5) days.
 - b. If the animal has previously been impounded, a fee of \$5.00 for each day of impoundment.

Part D – Euthanasia

§4-401 Euthanasia.

1. *Methods.* If an animal in the custody of the animal shelter is to be euthanized, the euthanasia method used shall be one allowed under Section 47-3-420 of the State Code.
2. *Training and Certification.* Euthanasia shall be carried out only by a person who has received all State-mandated training required to perform the selected procedure and is a certified euthanasia technician.
3. *Manner.* Regardless of method, euthanasia shall be carried out in accordance with Section 47-3-420(B) of the State Code as well as with all applicable State regulations and County Regulations and Operating Procedures, including (a) not leaving an animal unattended between commencement of the euthanasia procedure and the death of the animal and (b) no disposing of the animal's body until death is confirmed by a certified euthanasia technician.

ANIMAL CONTROL CODE

ARTICLE 5 – REPORTS, INVESTIGATIONS, VIOLATIONS AND PENALTIES

Part A – Reports and Investigations.

§5-101 Reports.

ACOs shall not patrol the County to enforce the Code, but shall, instead receive reports and, based on the type of report, may investigate a report.

§5-102 Investigations.

The following types of reports shall receive the following level of investigation:

1. *Substantiated Reports.* If the Department receives a substantiated report, an ACO shall investigate the report to determine whether a violation has occurred.
2. *Unsubstantiated Reports.* If the Department receives an unsubstantiated report, no investigation shall occur, unless the Director determines that one of the following circumstances is also involved:
 - a. The information reported, if true, would cause a reasonable person to believe that death or severe bodily injury to a human being might result; or
 - b. The information reported, if true, would cause a reasonable person to believe that serious consequences to the public could result, such as the spread of rabies;
 - c. The information reported, if true, would cause a reasonable person to believe that, if left uninvestigated, numerous animals may suffer cruelty;
 - d. Several other sources have reported the same violation within the previous 24 hours of the unsubstantiated report; or
 - e. The Director concludes that resources allow investigation without compromising matters with higher priority.

§5-103 Investigative Rights.

Warrantless Pursuit. If an ACO observes an animal at large, the ACO may pursue the animal onto private property as long as the pursuit (1) is for the purpose of enforcing this Code, (2) is continuous, and (3) remains outdoors.

Part B – Violations and Penalties.

§5-201 Violations; Written Warnings; Ordinance Summons.

1. *In General.* If, after investigation, an ACO finds that a person charged with a duty under this Code has failed to act in accordance with that duty, then ACO will ticket the violation. An ACO is authorized to ticket a Code violation by use of a written warning ticket or a County ordinance summons adopted by County Council in accordance with S.C. Code §56-7-80. The ACOs shall use a separate warning ticket or ordinance summons to cite each violation of the Code.
2. *At Large Violations.* In accordance with §47-3-40, a keeper who has committed a violation of having an animal at large shall be subject to either, but not both, of the

following for the violation: (a) payment of the redemption and boarding fees or (b) an ordinance summons.

§5-202 Penalties.

1. Violations of the Code shall be ticketed as follows:
 - a. For a first violation, the violator shall be issued a written warning ticket.
 - b. For a second and any subsequent violation, the violator shall be issued an ordinance summons.
2. Any person who is issued an ordinance summons and convicted of the stated violation shall be fined as follows:
 - a. For a first ordinance summons, a civil penalty of \$150.
 - b. For a second and any subsequent violation, a civil penalty of \$500.

Article 1 – General Provisions

Part A – Legislative History

- 1-101 Authorization.
- 1-102 Findings and Purposes.

Part B – Other Laws

- 1-201 Repeal; Severance.
- 1-202 Construction With Other Laws.

Part C – Application

- 1-301 Application of Code.

Part D - Definitions

- 1-401 Definitions.

Article 2 – Animal Control Organization

- 2-101 Animal Control Department.
- 2-102 Animal Control Director.
- 2-103 Animal Control Officers.
- 2-104 Animal Shelter.
- 2-105 Municipal Enforcement.

Article 3 – Duties and Violations

Part A – Duties of General Public

- 3-101 Duty – Rabies Reports: Threat to Public Health – Spread of Rabies.
- 3-102 Duty - Bite Reports: Concealing a Threat to Public Health – Animal Bite.
- 3-103 Duty – Exotic Creatures: Threat to Public Health – Harboring Exotic Creatures.
- 3-104 Duty – Humane Treatment: Animal Cruelty.
- 3-105 Duty – Non-Interference with ACO: Interference with ACO.
- 3-106 Duty – Keeper Identification: Impersonating a Keeper.

Part B – Duties of Animal Keepers

- 3-201 Duty - Rabies Control: Threat to Public Health - Spread of Rabies.
- 3-202 Duty - Kennel Inspection: Operation of Unauthorized Kennel.
- 3-203 Duty – Control of Dangerous Animal: Threat to Public Health – Failure to Control Dangerous Animal.
- 3-204 Duty – Control of Diseased Animal: Threat to Public Health – Failure to Maintain Animal Quarantine.
- 3-205 Duty – Disposal of Dead Animal: Threat to Public Health - Unauthorized Disposal of Dead Animal.
- 3-206 Duty – Fighting: Animal Cruelty – Dog Fighting.
- 3-207 Duty – Basic Necessities: Animal Cruelty – Abandonment.
- 3-208 Duty – Humane Treatment: Animal Cruelty

- 3-209 Duty - Confinement and Restraint: Nuisance – Animal At Large.
- 3-210 Duty – Peaceful Enjoyment: Nuisance – Harboring Nuisance Animal.
- 3-211 Duty - Animal Identification: Secondary Offense – Failure to Identify.

Article 4 – Animals Taken Into Custody

Part A – Grounds for Custody

- 4-101 Grounds for Taking an Animal Into Custody.

Part B –Evaluation and Post-Evaluation Dispositions

- 4-201 Evaluation of Animal Taken Into Custody.
- 4-202 Impoundment Qualifications; Disqualifications.
- 4-203 Impoundment Time Periods; Effect.
- 4-204 Disposition of Impounded Animals.

Part C – Impoundment and Redemption Procedures and Fees

- 4-301 Impoundment Procedures.
- 4-302 Redemption Procedures.
- 4-303 Fees.

Part D – Euthanasia

- 4-401 Euthanasia.

Article 5 – Reports, Investigations, Violations and Penalties

Part A – Reports and Investigations

- 5-101 Reports.
- 5-102 Investigations.
- 5-103 Investigative Rights.

Part B – Violations and Penalties

- 5-201 Violations; Written Warnings; Ordinance Summons.
- 5-202 Penalties.

AMENDMENTS AND SUPPLEMENTS TO THE ORANGEBURG COUNTY ANIMAL CONTROL CODE