

STATE OF SOUTH CAROLINA)
)
COUNTY OF LAURENS)

ORDINANCE #735

“AN ORDINANCE TO REPEAL, RESCIND AND DECLARE NULL AND VOID, IN ITS ENTIRETY, LAURENS COUNTY ORDINANCE #356, ANIMAL CONTROL ORDINANCE AND TO REPLACE IT WITH THIS ORDINANCE AND OTHER MATTERS RELATED THERETO”

WHEREAS, Laurens County Council on June 23, 1992 enacted Ordinance #356 which established, among other things, certain regulations, restrictions and treatment concerning animals and animal control in the unincorporated areas of Laurens County; and

WHEREAS, Laurens County Council, at the time of enactment of said Ordinance believed that such action was necessary, applicable and in the best interest of the public health and safety of the citizens of Laurens County; and

WHEREAS, Laurens County Council has reviewed certain recommendations and changes needed to the content and text of Ordinance #356; and

WHEREAS, Laurens County Council, has determined it to be in the best interest of the citizens to replace Ordinance #356 in its entirety thereby repealing, rescinding and replacing it, upon third and final reading, with this ordinance.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY LAURENS COUNTY COUNCIL HEREBY ASSEMBLED based upon the findings set forth below, Laurens County Council, pursuant to the authority granted by the Constitution of the State of South Carolina and the General Assembly of this State, hereby repeals, rescinds and does declare Ordinance #356 to be null, void and of no further force or effect and replaces the ordinance in its entirety to hereafter read as follows:

SECTION 1: FINDINGS AND INTENT:

The Council finds that there are substantial problems in the County created by feral, stray, dangerous and nuisance animals. Further, the Council finds that these feral, stray, dangerous and nuisance animal create a substantial risk of harm to persons and property.

Further, Council notes that it is empowered to provide for the public safety and health generally and to provide penalties for violations (Section 4-9-30 (5) and (14) of the Code of 1976) and specifically empowered to regulate animals (Section 47-3-10 et seq. of the Code of 1976).

Wherefore the Council intends to enact regulations for the control of such animals and to provide for animal control officers to implement said regulations.

Council directs that persons enforcing this Ordinance should use judgment and discretion so that this Ordinance is not enforced in such a manner as to result in destruction of pets or the imposition of penalties for a mere technical violation where the owner is making a reasonable good faith effort to comply with this Ordinance, but rather should first make a reasonable effort to bring persons into compliance with this Ordinance.

SECTION 2: DEFINITIONS

- (A) **“Owner”**- Any person who has a right of property in an animal, keeps or harbors an animal or who has it in his care or acts as its custodian, or permits or encourages animal to remain on or about any premises occupied by him.

- (B) "Cat" - shall include all animals of the feline family excluding all customarily regarded non-domesticated felines such as cougars, bobcats, lions, tigers, etc.
- (C) "Animal" - shall mean all customarily considered domesticated animals excluding all customarily considered wildlife.
- (D) "Dog" - shall include all animals of the canine family, excluding all customarily regarded non-domestic canines such as coyotes, wolves, wolf hybrids, etc.
- (E) "Dangerous Animal" - (reference Section 47-3-10) For the purpose of this ordinance the term dangerous animal" shall be construed to mean any animal of the canine or feline family evidencing characteristics usually associated with an animal abnormally inclined to attack or to attempt to attack other animals or persons without provocation by such other animal or person or one known to have killed or injured a person or another's animals or to be in the habit of same.
- (F) "Stray" - An animal which is running at large, that is off the premises of the owner and not under the direct control of its owner.
- (G) "Abandoned or Feral Animal" - : A stray animal which does not display a valid rabies tag as required by Section 47-5-60 and/or a metal tag giving the name and address of the owner shall be presumed to be abandoned or feral (wild).
- (H) "A Nuisance Animal" - A stray animal which:
 1. Chases after persons or vehicles;
 2. Destroys or damages property (including specifically other animals) of persons other than its owner;
 3. Prevents or interferes with a property owner's reasonable use and enjoyment of his property.

SECTION 3: ANIMAL CONTROL OFFICERS, POWERS AND DUTIES

- (A) The Director of Public Works is hereby authorized and directed to employ an Animal Control Officer(s) and such assistants as may from time-to-time be authorized.
- (B) Such officers shall have such powers as are reasonably necessary to carry out the provisions of this chapter, including but not limited to, patrolling the County; impounding stray, nuisance, or dangerous animals: operating an animal shelter and disposing of such animals by sale, gift or euthanasia, in accordance with Section 47-3-410 et seq, Unclaimed Animals and to prosecute violations of this chapter.
- (C) The Director of Public Works is authorized to contract (for a period of not more than 1 Year) with municipalities or private persons/organizations concerning the operations of animal shelters.
- (D) The sheriff, and/or his deputies are authorized to assist the Animal Control Officer(s) in the enforcement of this Ordinance and are authorized to prosecute violators and seize animals for impoundment by the Animal Control Officer(s).

SECTION 4: EVIDENCE OF RABIES INNOCULATION REQUIREMENTS

A valid metal rabies tag must be attached to a collar or harness and worn by dogs and cats at all times. This rabies tag must have been issued by a licensed veterinarian.

Every owner is encouraged to assure that an identification tag or plate is securely fastened to their dog's or cat's collar or harness. The tag or plate should clearly indicate the name and address of the owner and should be worn by the animal at all times.

Dogs and Cats without such rabies tags may be picked up by the animal control officer and be taken to the animal shelter for further disposition as abandoned animals.

SECTION 5: HUMANE ANIMAL CARE

No person shall fail to provide any animal under his care with sufficient food and water, proper shelter and protection from the weather, humane care and treatment.

SECTION 6: PERMITTING NUISANCE ANIMALS PROHIBITED

(A) No owner shall willfully permit any animal to become a stray after being given notice that the animal at issue is a nuisance animal and having a reasonable time to restrain the animal. Such notice shall be given to the owner in person, or by telephone or by mail to the address shown upon the rabies vaccination record or animal's identification tag (if present) displayed by the animal, or by written notice posted at the residence of the owner. Said notice shall specify the place and acts of nuisance, the animal alleged to be a nuisance and the person giving the notice.

(B) An owner of a female dog or cat in heat shall keep her in a building or enclosure or veterinary hospital or kennel. Any dog or cat not so put up shall be deemed a nuisance; and it shall be a violation of this Ordinance to knowingly fail to do so.

SECTION 7: DANGEROUS ANIMALS NOT TO RUN FREE

No person shall willfully or negligently permit any dangerous (see Section 2(e)) or dangerous animal (see Section 47-3-710 of the Code of 1976) to run free on or off the owner's premises.

An Animal is "running free" if it is not under the direct physical control of the owner, via a leash or similar device or reasonably secured in a structure or fenced in enclosure or by means of a chain or metal cable. All animals secured by any means must have access at all times to sufficient food, water, humane care and treatment, proper shelter and protection from the weather. All animals secured by any means must have sufficient daily contact with the owner or care giver to assure reasonable access to exercise, observation of the animal's wellness and human contact that is necessary to maintain well adjusted, non-aggressive animals.

SECTION 8: IMPOUNDMENT OF ANIMALS

- (A) (1). The Animal Control Officer shall impound an animal if it is a stray and:
- (a) If it is abandoned; feral; or suffering from a lack of food, water, shelter or other care such that immediate action is required.
 - (b) He personally observes acts of nuisance, or dangerousness.
 - (c) Upon a written and sworn complaint alleging facts showing the animal to be a nuisance, or dangerous.

- (2) The animal control officer shall notify the owner as soon as practicable of the impoundment and the basis thereof in person; or by telephone; or by mail if possible, or by written notice posted at the residence of the owner. Said notice shall specify the following:
 - (a) The identification of the animal.
 - (b) When and why the animal was impounded.
 - (c) The last day for the owner to claim the animal and any fees that must be paid.
- (B) (1). The Animal Control Officer shall impound any non-stray animal and may seize same even if the animal is in the possession and care of the owner or upon his property:
 - (a) Upon personal observation of inhumane treatment including specifically lack of sufficient food, water and shelter such that immediate action is required or upon the owner's having failed to remedy such conditions after notice and opportunity to do so.
 - (b) Upon personal observation or sworn affidavit setting forth facts showing good cause to believe that a dangerous animal is being permitted to run free.
- (2). The Animal Control Officer shall notify the owner of the impoundment as soon as possible in person or by telephone, or by mail, or by written notice posted at the residence of the owner and specifying:
 - (a) The identification of the animal.
 - (b) When and why the animal was impounded.
 - (c) The last day for the owner to claim the animal and any fees that must be paid.
 - (d) Any conditions the owner must comply with to bring himself into compliance with this Ordinance, and any penalties that the animal control officer intends to levy upon the owner.
 - (e) Informing the owner that if the owner fails to appear to recover his/her animal within five (5) working days excluding weekends and holidays, he/she shall be deemed to have abandoned it to Laurens County. The owner may not be required to pay any costs of keeping the animal if a magistrate's hearing is scheduled and the magistrate should determine that the owner is not guilty of a violation of this ordinance.
- (C) In the case of animals presumed abandoned or feral, because they do not display rabies or ID tags, the animal control officer is not required to give notice, but may take reasonable steps to determine and notify the owner.
- (D) Any animal unclaimed within five (5) working days, excluding weekends and holidays, after the giving of the notice called for by paragraph (A) II; or the service of the notice called for by paragraph (B) II or five (5) working days after the impoundment of any presumed abandoned/feral animal is deemed abandoned and the property of Laurens County and may be offered for adoption or disposed of humanely.
- (E) Any owner claiming an impounded animal shall be required to pay \$45.00 or such amount as established by Laurens County Council, plus the reasonable expense of keeping the animal and the rabies inoculation fee if required.

- (F) Laurens County shall not be held liable for accidents, disease, or treatment of animals while confined in the Laurens County animal shelter and shall be released from all responsibilities to a new owner or former owner when an animal is adopted or disposed of humanely as specified in Section 8, Paragraph D.

SECTION 9: SUMMARY DESTRUCTION OF ANIMALS

The Animal Control Officer may summarily destroy any dangerous animal if this is necessary for the protection of any person or non-provoking domestic animal. Any animal which presents a threat to the community because of disease or which is in great pain as result of illness or injury such that reasonable standards of humane care call for its immediate destruction, may be summarily destroyed by the Animal Control Officer.

SECTION 10 DEAD ANIMALS

The owner of any animal, or the owner of the property where any stray animal may die, shall dispose of the body by burial or cremation as soon as practical after the death of the animal is known to him. Failure to so dispose of an animal within eight (8) hours of demand by the Animal Control Officer shall be a violation of this Ordinance.

SECTION 11 UNLAWFUL TO ABANDON ANIMALS

No person shall abandon or set at large to roam free any animal without providing for its humane care as required by this Ordinance. Doing so shall be a violation of this Ordinance and each animal shall constitute a separate violation.

SECTION 12 PENALTIES

Any person, firm, corporation or agent, violating the provisions of this Ordinance or any section thereof shall be guilty of a misdemeanor, and upon conviction shall be punished as follows:

- (A) Whenever in this Ordinance any act is prohibited or is declared to be unlawful and no specific penalty is provided, the violation of any section of this Ordinance shall be subject to a minimum fine of fifty (\$50.00) dollars for each offense or the maximum penalties authorized for the Magistrate's Courts of the State of South Carolina.
- (B) Each day any violation of this Ordinance shall continue shall constitute a separate offense.
- (C) As an alternative to, or in addition to the misdemeanor charge, the violator of any section of this Ordinance may be charged with a civil penalty not to exceed \$500.00.

SECTION 13 AUTHORITY

This Ordinance is adopted under the authority and process granted by the General Assembly of the State of South Carolina and the Constitution of this State. Jurisdiction shall be exclusively within Laurens County.

SECTION 14 APPLICABILITY

The provisions of this Ordinance shall apply to all unincorporated areas of Laurens County, South Carolina.

SECTION 15 LANGUAGE

The language used in this Ordinance, if used in the present tense, shall include the future tense. Words used in the singular shall include the plural, and the plural the singular, unless, however, the context clearly indicates the contrary. The use of the word "shall" is mandatory and the word "may" is permissive.

SECTION 16 EFFECTIVE DATE

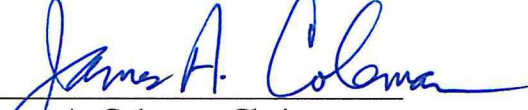
The effective date of this Ordinance shall be upon three (3) readings as required by law.

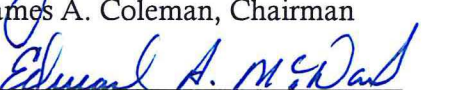
SECTION 17: SEVERABILITY


Should any paragraph, clause, phrase, or provision of this Ordinance be judged invalid or held unconstitutional by a Court of competent jurisdiction, such declaration shall not affect the validity of any other section of the Ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional. All meanings, enforcement and interpretations shall be pursuant to the laws of the State of South Carolina.

BE IT SO ORDAINED.

LAURENS COUNTY COUNCIL:


James A. Coleman, Chairman

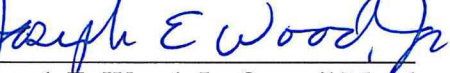

Edward A. McDaniel, Vice Chairman


Diane B. Anderson, Council Member

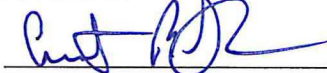

Ted G. Nash, Council Member



P. Keith Tollison, Council Member


David A. Pitts, Council Member


Joseph E. Wood, Jr. Council Member

ATTEST:


Ernest B. Segars, Administrator
Laurens County Council
Laurens County, South Carolina


Betty C. Walsh, Clerk
Laurens County Council
Laurens County, South Carolina

First Reading: March 27, 2012
Second Reading: April 10, 2012
Public Hearing: May 8, 2012
Third Reading: May 8, 2012