

AN ORDINANCE OF THE COUNTY OF BEAUFORT, SOUTH CAROLINA, TO AMEND CHAPTER 14, ARTICLE II, ANIMAL CONTROL ORDINANCE

ARTICLE II. ANIMAL CONTROL

Sec. 14.26 Definitions.

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

Animal means any domestic live, vertebrate creature.

Animal control director means any person so appointed by the county administrator.

Animal control officer means any person designated by the county administrator and/or commissioned to perform such duties under the laws of the county and the state.

Animal shelter means any facility so designated by the county council.

Confined means kept in an enclosure designed to restrain an animal from leaving the owner's premises; a fully fenced pen or kennel.

Dangerous animal means any animal which the owner knows or reasonably should know has a propensity, tendency or disposition to attack unprovoked, cause injury, or otherwise endanger the safety of human beings or domestic animals; an animal which makes an unprovoked attack that causes bodily injury to a human being and the attack takes place other than the place where the animal is confined; or an animal that commits unprovoked attacks any place other than the place where the animal is confined and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to a human being. A dog will be considered a dangerous animal if it is used as a weapon in the commission of a crime.

Owner means any person owning, keeping or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more (S.C. Code 1976, § 47-5-20).

Pet means any animal kept for pleasure rather than utility.

Public nuisance means any animal which:

- (1) Molests passersby or passing vehicles;
- (2) Attacks other animals;
- (3) Trespasses on school grounds;

- (4) Is repeatedly at large;
- (5) Damages private or public property; or
- (6) Barks, whines, howls, screeches or crows in an excessive, continuous or untimely fashion.
- (7) Causes harm to the public's health, safety or well being.

Restraint means an animal secured by a leash or lead, under the control of a responsible person within the boundaries of the owner's property or any public property.

Running at large means a pet or domestic animal which is off the property or premises of the owner and which is not under the physical control of owner by means of a leash or confinement.

Veterinary hospital means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

Wild animal means any warm-blooded animal such as a monkey (subhuman primate), raccoon, opossum, squirrel, rat, leopard, panther, tiger, lion, lynx, or other warm-blooded animal which can normally be found in the wild state.

(Code 1982, § 4-6)

Cross references: Definitions generally, § 1-2.

Sec. 14-27. Sterilization and microchip identification.

- (a) *Sterilization.* No impounded pet may be redeemed without (a) first having been surgically sterilized and a fee paid therefore, which fee shall not exceed the fee charged by the shelter for the sterilization of animals prior to adoption, or (b) paying a redemption fee of Two Hundred Dollars (\$200) to redeem the pet intact. If an intact pet comes to be impounded for a second or subsequent time in a calendar year, the intact redemption fee shall be One Thousand Dollars (\$1,000). These provisions shall apply to pets whose owners' residence is within Beaufort County.

Sterilization under this section may not take place sooner than after the fifth (5th) working day following the pet's placement in the custody of the shelter, or when the owner appears at the shelter to redeem the animal, whichever is sooner.

If the owner declines to pay the intact redemption fee, such owner may arrange for the pet to be sterilized by a veterinarian of the owner's choosing, and the owner must pay all costs of such sterilization. If an owner chooses this method, the shelter shall transport the animal to the veterinarian for sterilization, unless the veterinarian or his/her designee transports the pet to the veterinary facility. The owner may retrieve the pet from the veterinarian's

office following sterilization. The owner must provide proof of sterilization to the shelter.

The shelter must give written notice of the policies and options regarding redemption and sterilization set forth herein to owners seeking to redeem their pets.

- (b) *Microchip identification and fee.* When a dog or cat is adopted from the county animal shelter, the animal shelter may implant a microchip in the dog or cat identifying the owner and all other information as provided by law. The county animal shelter shall charge a fee for implantation of a microchip in an amount recommended by the County Administrator.
- (c) *Fee for redemption of a microchipped animal.* A microchipped animal returned to the county animal shelter may be reclaimed by the owner upon the owner's payment to the county animal shelter of a redemption fee. A redemption fee shall be in the amount recommended by the County Administrator.

Sec. 14-28. Restraint of animals by owners.

- (a) *Running at large.* It shall be unlawful for any owner or custodian of any dog, cat, or other animal to permit the dog, cat, or other animal to run at large at any time upon any street or highway or other property within the county (S.C. Code 1976 § 47-7-110).
- (b) *Control of animals generally.* No owner shall fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance.
- (c) *Female dogs and cats in heat.* Every female dog and cat in heat shall be confined in a building or veterinary hospital in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding.

Sec. 14-29. Impoundment.

- (a) *Seizure of animals running at large generally.* Any dog, cat, dangerous animal, or other animal running at large may be seized by an animal control officer and transported to the county animal shelter and there confined in a humane manner for a period of not less than five (5) working days and may thereafter be disposed of in a humane manner if not claimed by the owner.
- (b) *Disposition of animals at large.* When an animal is found running at large and its ownership is known to an animal control officer, such animal need not be impounded but can be returned to the owner, and the officer may cite the owner of such animal to appear before a county magistrate to answer to

charges of violation of this Article. Upon the seizure of any animal found running at large with a rabies tag, the county animal shelter and control will screen the rabies records and attempt to notify the owner or custodian by written notice and/or telephone that the animal is being held by a shelter for disposition (S.C. Code 1976, § 47-3-540). All animals will be scanned for microchip identification.

- (c) *Disposition of unclaimed animals.* Animals not claimed by their owners after notification or attempted notification or before the expiration of five (5) working days, shall become the property of a county animal shelter and control and may be placed for adoption or euthanized at the discretion of the director of the county animal shelter and control.
- (d) *Records of impounded animals.* It shall be the duty of the director of the county animal shelter and control or other persons designated by the county council to keep accurate and detailed records of seizures and dispositions of all animals coming into their custody and to file this report with the county administrator or his designee each month. Any reports prepared by a designee shall also be filed with the director of the county animal shelter and control.
- (e) *Abandoned animals.* When determined that an animal has been left unattended for a period of twenty-four (24) hours or longer, it will be considered abandoned. The animal control officers may enter the property for the purpose of removing the animal. The animal will then be taken to the animal shelter and confined there for a period five (5) working days. It is unlawful to abandon an animal.
- (f) *Diseased animals.* Any diseased animal presented to a county animal shelter and control whose condition endangers the health of other animals in the shelter or any severely injured animal may be euthanized immediately, notwithstanding the five (5) working day holding period, as specified in subsections (a) and (c) of this section.
- (g) *Shelter space allocations.* At any time the number of animals presented to the county animal shelter and control for holding exceeds the holding space available, the animal shelter director shall ration the available spaces among the municipal, county and military animal control officers and the general public.

(Code 1982, § 4-9)

Sec. 14-30. Redemption of impounded animals.

- (a) *Procedure.* The owner shall be entitled to resume possession of any impounded animal upon proof of ownership and payment of impoundment fees as set forth in this section.

- (b) *Failure to redeem within holding period.* The owner of an animal impounded and not redeemed within the required holding period shall be responsible for any costs incidental to impoundment in the amount set forth in this section.
- (c) *Payment of fees.* Any impounded animal may be redeemed as provided in this section upon payment of the fees by the owner to the county animal shelter and control.
- (d) *Redemption fees.* The redemption fee shall be One Hundred Dollars (\$100) for the first twenty-four (24) hours of confinement for the first impoundment; the redemption fee for the second impoundment will be Two Hundred Fifty Dollars (\$250), and the redemption fee for the third impoundment and each subsequent offense will be Five Hundred Dollars (\$500). The Director of the Animal Shelter has discretion to reduce or waive fees.
- (e) *Boarding fee.* A boarding fee not to exceed Twenty-Five Dollars (\$25) a day will be imposed following the first twenty-four (24) hours.
- (f) *Posting of fees.* All fees shall be published and posted in a prominent place within the county animal shelter and control.
- (g) *Proof of rabies.* In order to redeem an impounded animal from the county animal shelter and control, a current and valid rabies certificate must be presented at the time of redemption or obtained from a licensed veterinarian within three (3) business days and provided to the county animal shelter. Proof of the rabies vaccination certificate must be presented or obtained at the time of the redemption.

(Code 1982 § 4-10)

Sec. 14-31. Adoption fees and sterilization.

- (a) *Adoption fee established.* Animal adoption fees shall be established by the administrator and the director of the county animal shelter and control.
- (b) *Sterilization.* Animals adopted from the county animal shelter and control will be sterilized prior to going into the adopted home. Sterilization fees shall be collected by the county animal shelter and control at the time of adoption.
- (c) *Authority to refuse adoption.* The county animal shelter and control director or designee shall have the authority to refuse adoption of an animal to any person deemed unable to provide proper shelter, confinement, medical care and food or to any person who has a past history of inhumane treatment of or neglect to animals. Any person seeking adoption of an animal more frequently than ninety (90) days shall be subject to refusal of adoption. Any person who has

been refused adoption of an animal may appeal his case to the deputy administrator for community services.

(Code 1982, § 4-11)

Sec. 14-32. Cruelty.

- (a) *Animals care generally.* No owner shall fail to provide his animals with sufficient, good and wholesome food and water at all times; proper shelter and protection from the weather; a clean and sanitary environment; veterinary care when needed to prevent suffering; and humane care and treatment. Failure to comply with the animal control officer's instructions or directions will result in the animal control officer impounding the animals pending the ruling of the court.
- (b) *Mistreatment.* No person shall beat, cruelly ill-treat, torment, overload, overwork or otherwise abuse an animal or cause, instigate or permit any fight or other combat between animals or animals and humans.
- (c) *Cropping or dubbing of ears, tails, comb, wattles, spurs or earlobes.* No person shall crop or dub an animal's ears or tail or wattle or comb, except a licensed veterinarian who is qualified to perform such an operation.
- (d) *Giving away for commercial purpose.* No person shall give away any live animal, fish, reptile, or bird as a prize for or as an inducement to enter any contest, game, or other competition or as an inducement to enter a place of amusement or offer such vertebrate as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.
- (e) *Striking with motor vehicle.* Any person, as the operator of a vehicle, who strikes a dog or cat should, if reasonably possible, report the accident to the owner, and should call 911 and ask that the animal control division be notified of the time and place of the accident.
- (f) *Poisoning.* No person shall expose any known poisonous substance, whether mixed with food or not, in such a manner as to endanger any domestic animal.
- (g) *Leaving unattended.* No person shall leave an animal unattended for more than twenty-four (24) hours. This shall constitute abandonment. After a twenty-four (24) hour period, if no contact has been made with an owner, the animal control officer will pick up the animal and transport it to the animal shelter.
- (h) *Locking in vehicle.* It shall be illegal for any person to leave an animal unattended in a vehicle. The animal control officer assisted by another law enforcement officer will remove the animal when the officer's opinions are that the animal is in distress.

- (i) *Denial of shelter.* No person shall fail to provide shelter or deny shelter for any animal, fish, bird, fowl or reptile of any kind in any manner without shading same from the sun, any direct light, heat or cold and providing adequate ventilation for their use.
- (j) *Denial of treatment.* No person shall fail to provide humane treatment or deny humane treatment for any disease, sick or injured animal.

(Code 1982, § 4-12)

Sec. 14-33. Rabies control.

- (a) *State law adopted.* The provisions of S.C. Code 1976, § 47-5-10 et seq. are adopted by this Article.
- (b) *Duty to report animal bites.* It shall be the duty of every physician or other practitioner to report to the county public health department or an authorized agent the names and addresses of persons treated for bites inflicted by animals, together with such information as will be helpful in rabies control. Any person bitten by an animal must report the bite to the county health department within twenty-four (24) hours of the incident.
- (c) *Sheriff's office to report animal bites.* It shall be the duty of the Sheriff's department to forward a copy of each report involving an animal bite to the county health department within twenty-four (24) hours of receipt of such report.
- (d) *Uninoculated animals biting humans.* If an uninoculated animal has bitten a person, the animal will be seized and the county health department contacted for necessary forms for processing. After authority is given by DEHEC following a waiting period, the animal will be euthanized at the county animal shelter and taken to a consenting veterinarian, who will remove the head. Once the head is removed, the county health department will pick up and ship the head to the authorities for examination.
- (e) *Inoculated animals biting humans.* When an animal that has been inoculated against rabies is involved in an incident where a person is bitten, the owner of the animal must take the animal to a licensed veterinarian for examination. The owner must also notify the county health department within twenty-four (24) hours of the incident. The county health department will direct the owner to quarantine the animal for ten (10) days at the owner's residence or at a veterinary clinic as the department may determine. Subsequent to the ten (10) days' quarantine, the animal will again be examined by a licensed veterinarian and the results of the examination furnished by the owner to the county health department. If a bite is considered severe by the medical director, the director

may process such animal for a determination of rabies contamination as he determines necessary, whether or not the animal has been vaccinated.

- (f) *Uninoculated animal not considered property.* Animals that have not been inoculated against rabies shall not be held to be property in any of the courts of the county.
- (g) *Inoculation of dogs and cats required.* All dogs and cats three (3) months of age or more are required to be inoculated against rabies. A rabies tag issued at the time of rabies inoculation shall be attached to a collar or harness and worn by the animal at all times.

(Code 1982, § 4-16)

Sec. 14-34. Management of Feral Cat Colonies.

Definitions:

Animal means any live, vertebrate creature, domestic or wild.

Caregiver means any person who provides food, water or shelter to or otherwise cares for a feral cat colony.

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

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

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

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

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

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

TNR means Trap, Neuter and Return.

TNA Program means a program pursuant to which cats are trapped, neutered or spayed, vaccinated against rabies, eartipped or tattooed and returned to the current location of the managed colony.

(a) *Feral cat colonies.*

- (1) Feral cat colonies shall be permitted and caregivers shall be entitled to maintain them in accordance with the terms and conditions of this Section.
- (2) Caregiver Requirements: It shall be the duty of the caregiver to:
 - (a) Report bi-annually to the county animal control on the following:
 - (1) Number of colonies in the county if the caretaker maintains more than one colony.
 - (2) Providing the county animal control with descriptions of each cat in the colony and copies of documents evidencing that the cats have been vaccinated and spayed/neutered.
 - (b) Help to resolve any complaints over the conduct of a colony or a cat within a colony.
 - (c) Maintain records on the size and location of the colonies as well as the vaccination and spay/neuter records of cats in the colonies.
 - (d) Mandatory vaccination of the colony population for rabies and making reasonable efforts to update the 5-way or equivalent vaccinations on cats that can be recaptured.
 - (e) Mandatory spaying/neutering of all cats within the colony by a licensed veterinarian. In facilitating the spaying/neutering of cats, caregivers shall be presumed to have acted in good faith in concluding that cats routinely congregating within the colony are feral.
 - (f) Providing food, water and suitable shelter for colony cats.
 - (g) Observe the colony cats daily and keeping a record of any illnesses or unusual behavior noticed in any colony cats.
 - (h) Obtaining proper medical attention to any colony cat who appears to require it.

- (i) Obtaining written approval of the owner of any property, on which the colony resides, or to which the Caregiver requires access, to provide colony care.
 - (j) In the event that kittens are born to a colony cat, the caregiver shall remove the kittens from the colony after they have been weaned and be responsible for the placement of the kittens in homes or foster homes for the purpose of subsequent permanent placement.
 - (k) Caregivers shall make reasonable efforts to find permanent inside homes for colony cats who exhibit the potential for acclimating to such a placement.
 - (l) Caregiver shall make reasonable effort to maintain the colony as to prevent the colony from running at large beyond the confines of the designated area. (S.C. Code 1976 § 47-7-110)
- (b) *Ordinance enforcement.* Nothing shall interfere with the animal control officer's ability to:
- (1) Seize/remove a cat from a colony that is creating a nuisance as defined above if the caregiver has failed to cure the nuisance within a reasonable timeframe.
 - (2) Seize/remove a feral cat colony when the caregiver fails to comply with the requirements of this section.

Sec. 14-35. Regulation of Dangerous Animals.

Definition:

Dangerous animal means any animal which the owner knows or reasonably should know has a propensity, tendency or disposition to attack unprovoked, cause injury, or otherwise endanger the safety of human beings or domestic animals; an animal which makes an unprovoked attack that causes bodily injury to a human being and the attack takes place other than the place where the animal is confined; or an animal that commits unprovoked attacks any place other than the place where the animal is confined and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to a human being. A dog will be considered a dangerous animal if it is used as a weapon in the commission of a crime.

- (a) *Confinement.* Every dangerous animal, as determined by the animal control officer, magistrate or licensing authority, shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner (S.C. Code 1976, § 47-3-720).

- (1) All dangerous animals shall be securely confined within an occupied house or residence or in a securely enclosed and locked pen or kennel, except when leashed as provided in this section. Such pen, kennel or structure must have secure sides and a secure top attached to the sides.
- (2) All pens or other structures designed, constructed or used to confine dangerous animals must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom, floor or foundation attached to the sides of the pen, or the sides of the pen must be embedded in the ground no less than two (2) feet so as to prevent digging under the walls by the confined animal.
- (3) All structures erected to house dangerous animals must be adequately lighted and ventilated and kept in a clean and sanitary condition. No dangerous animal may be kept on a porch, patio or in any part of a house or structure that would allow the animal to exit such building on its own volition.
- (4) No person shall permit a dangerous animal to go outside its kennel or pen unless such animal is securely leashed and muzzled with a leash no longer than six (6) feet in length. No person shall permit a dangerous animal to be kept on a chain, rope or other type of leash outside its kennel or pen unless both the animal and the leash are under the actual physical control of a person eighteen (18) years of age or older.
- (5) Such animals may not be leashed to inanimate objects such as trees, posts, buildings, or any other object or structure.

(b) *Declaring an animal dangerous.*

- (1) An animal control officer, in his or her discretion, observes that a particular animal is a dangerous animal as defined in this Article, may declare such animal a dangerous animal by delivering a written notice of declaration to the owner. The notice shall include a description of the animal and the basis for the declaration of dangerousness. The notice shall be served upon any adult residing at the premises where the animal is located or may be posted on the premises if no adult is present.
- (2) The person owning, keeping, sheltering or harboring the animal in question must comply with the requirements as designated in this section within seventy-two (72) hours of the receipt of the animal control officer's declaration.

- (3) Any animal that is alleged to be dangerous and that is under impoundment or quarantine at the animal shelter shall not be released to the owner, until such time that the owner is capable of confining the animal to his/her property in accordance with this section.
- (4) All dangerous animals shall have an identification microchip implant placed under the animal's skin once the animal has been declared dangerous. The owner shall pay the actual fee charged by the shelter or the licensed veterinarian who performed the microchip identification procedure.

Sec. 14-36. Enforcement.

- (a) *Duties.* The division of animal control shall be charged with the responsibility of:
 - (1) Cooperating with the health officers of various state government units and assisting in the enforcement of laws of the state with regard to the control of animals, and especially with regard to the vaccination of dogs and cats against rabies.
 - (2) Investigating all complaints with regard to animals covered by this Article.
 - (3) Enforcing within the unincorporated areas of the county and municipalities, all of the state laws, ordinances enacted by the county and contracts entered into the county for the care, control and custody of animals covered by this Article.
- (b) *Entering the premises.* The animal control officer shall patrol the properties of the county, public and private, for the purpose of checking animals for the following:
 - (1) Rabies.
 - (2) Inhumane treatment and the health of animals.
 - (3) Boarding.
- (c) *Interference with officers.* No person shall interfere with or hinder an animal control officer or any such agent of the county in the performance of such officer's duty or seek to release animals in the custody of the animal control officer or any such agent of the county.
- (d) *Penalties.* Any person who violates the provisions of this Article shall be guilty of a misdemeanor and upon conviction, shall be subject to a fine up to Five Hundred Dollars (\$500) or thirty (30) days in jail. Each day's violation of any provision of this Article shall constitute a separate offense.

Cross reference: Health and sanitation, ch. 46.

Adopted this 28th day of April, 2010.

COUNTY COUNCIL OF BEAUFORT COUNTY

BY: Wm. Weston J. Newton
Wm. Weston J. Newton, Chairman

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Suzanne M. Rainey
Suzanne M. Rainey, Clerk to Council

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