

Chapter 6

ANIMALS*

Article I. In General

- Sec. 6-1. Roaming dogs; trespass complaints.
- Secs. 6-2—6-10. Reserved.

Article II. Animal Control

- Sec. 6-11. Short title.
- Sec. 6-12. Definitions.
- Sec. 6-13. Rabies inoculation tag.
- Sec. 6-14. Restraint, control or confinement.
- Sec. 6-15. Abandonment and maltreatment.
- Sec. 6-16. Impoundment.
- Sec. 6-17. Redemption.
- Sec. 6-18. Adoption.
- Sec. 6-19. Reserved.
- Sec. 6-20. Enforcement.
- Sec. 6-21. Dangerous animals.
- Sec. 6-22. Nuisance animal.
- Sec. 6-23. Records of impounded animals.
- Sec. 6-24. Penalties.
- Sec. 6-25. Severability.

*State law reference—Authority to provide for control of dogs and other domestic pets, S.C. Code 1976, § 47-3-20.

ARTICLE I. IN GENERAL

Sec. 6-1. Roaming dogs; trespass complaints.

It shall be unlawful for any owner or owners of dogs or parents or guardians of owners of dogs to let dogs roam at will on the property of others after being warned that such dog or dogs have roamed on the property of the complainant. Any such trespass of the dog following this warning shall constitute the owner or owners being in violation of this section and the complainant, by showing probable cause to a magistrate of the county, may obtain an arrest warrant against the owner or owners. Upon conviction the offender may be punished in accordance with section 1-8. (Ord. No. 126, § 1, 9-17-84)

Secs. 6-2—6-10. Reserved.

ARTICLE II. ANIMAL CONTROL

Sec. 6-11. Short title.

The rules and regulations of this Article shall be known as the "Darlington County Animal Control Ordinance." (Ord. No. 98-3, 4-6-98)

Sec. 6-12. Definitions.

Whenever used in this article, unless a contrary intention is clearly evident, the following terms shall be interpreted as herein defined:

Abandonment and/or maltreatment means a situation in which an owner of an animal does not provide for humane disposal of the animal, or transfer ownership to a responsible person, or who does not provide or arrange for adequate food, water, shelter and care.

Animal means any live vertebrate creature, domestic or wild except *Homo sapiens*.

Animal control officer means the person(s) employed or contracted by the county as the enforcement officer(s) of the provisions of this article, except animal cruelty provisions.

Animal cruelty investigator means the person(s) employed or contracted by the county as

the official(s) responsible for investigating and enforcing the provisions of this article and applicable state statutes related to animal abandonment and/or maltreatment.

Animal shelter means any facility designated by the county council to house, impound or quarantine animals released to the animal control officer or shelter officer.

At-large means any animal which is off the property of its owner and not under restraint.

Dangerous animal means any animal which has the propensity, tendency or disposition to attack unprovoked, to cause injury to or otherwise endanger the safety of human beings or domestic animals and as further designated in section 6-21.

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, or suspected of being infected with rabies. This determination shall be made by the county rabies control officer.

Impound means the holding of animals at the animal shelter.

Identifiable animal means any animal that meets the requirements of section 6-13.

Neighborhood pet means any vaccinated domesticated species of carnivores which are known to neighboring property owners and which enter onto the property of a neighboring property owner without objection by the neighboring property owner.

Owner means any person who:

- (1) Has a right of property in an animal;
- (2) Keeps or harbors an animal or who has it in his care or acts as its custodian; or
- (3) Permits an animal to remain on or about any premises occupied by him.

Pet means any domesticated species of carnivores.

Public nuisance means an animal or animals whose actions constitute a nuisance as defined in section 6-22 of this article.

Rabies control officer means any person appointed for the control of rabies with the approval of the county department of health and environmental control state health officer for the enforcement of the S.C. Rabies Control Act (S.C. Code 1976, § 47-5-10 et seq.).

Restrain/control means a situation in which an animal is controlled by a leash, confined within a secure enclosure, or under the control of an owner and obedient to the person's commands, or within the property limits of its owners or is present, with permission, on another person's property, i.e. "neighborhood pet."

Shelter means something adequate that may reasonably be expected to protect the animal from physical suffering or impairment of health due to exposure to the elements or adverse weather.

Shelter officer means the persons employed or contracted by the county to operate the county shelter.

Sterilized animal means any dog or cat which has been spayed or neutered to prevent that animal from conceiving or impregnating another.

Sustenance means adequate food provided at suitable intervals of quantities of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition to allow for proper growth and weight and constant access to a supply of clean, fresh, potable water provided in a suitable manner for the species.

Unsterilized animal means any dog or cat which has not been surgically altered to prevent the animal from conceiving or impregnating another.

Wild animal means any living member of the kingdom Animalia, including those born or raised in captivity except pets as defined herein, livestock as defined in S.C. Code 1976, § 4-9-210, or other animals normally considered domesticated. (Ord. No. 98-3, 4-6-98)

Sec. 6-13. Rabies inoculation tag.

Every owner is required to see that a rabies inoculation tag is securely fastened to the pet's

collar or harness. The tag must be worn by the pet as prescribed by S.C. Code 1976, § 47-5-60, as amended.

(Ord. No. 98-3, 4-6-98)

Sec. 6-14. Restraint, control or confinement.

(a) All pets and animals cared for by an owner must be kept under restraint/control. Any animal not so controlled will be deemed unlawfully running at large.

(b) When any pet or animal cared for by an owner is found unlawfully running at large or to be a public nuisance, a notice of violation or a uniform ordinance summons may be issued to the owner in accordance with section 6-20(f) or the officer may take custody of the pet or animal. The officer may, if in pursuit of the pet or animal, have the right to enter upon private property to take it into custody or to place humane animal capture cages on the property of consenting property owners.

(c) No pet or animal cared for by an owner shall be permitted on school grounds, on public right-of-way, or in a shopping area or similar public place unless on a leash at all times or if assisting handicapped persons or under the control of a responsible person and obedient to that person's commands. Any animal not so restrained will be deemed unlawfully running at large.

(d) The owner shall exercise proper care and control of his pets or animals to prevent them from becoming a public nuisance as defined in this section and section 6-22.

(e) The owner shall confine a dangerous animal within a building or secure enclosure in accordance with the S.C. Code 1976, § 47-3-720 and section 6-21 of this article.

(f) Every female dog or cat in heat shall be kept confined in a building or secure enclosure or in a veterinary hospital or boarding kennel in such a manner so as not to create a nuisance. (Ord. No. 98-3, 4-6-98)

Sec. 6-15. Abandonment and maltreatment.

(a) It shall be unlawful for any pet or animal cared for by an owner to be abandoned in the county.

(b) It shall be unlawful for anyone to ill-treat, deprive of necessary substance or shelter, or inflict unnecessary pain or suffering upon any animal, or fail to provide humane treatment or cause these things to be done.

(c) No person shall expose any known poisonous substance, whether mixed with food or not, in such a manner as to endanger animals.

(d) It shall be unlawful to leave an animal unattended in a vehicle whereby the animal is unprotected from physical suffering or impairment of health due to exposure to extreme temperature. Any county officer, employee or contract agent, assisted by a law enforcement officer, may remove any animal left unattended in a vehicle when in the animal control officer's opinion the animal is in distress. Any locksmith fees associated with such rescue shall be the responsibility of the vehicle owner, animal owner, or person responsible for placing the animal in the vehicle.

(e) The county animal cruelty investigator shall investigate alleged violations of this section or of state anti-cruelty laws with the assistance of the Sheriff, or his designee, as needed.

(f) Violations of anti-cruelty laws may be prosecuted under this article or the provisions of state law, S.C. Code 1976, § 47-1-10 et seq.; as amended. (Ord. No. 98-3, 4-6-98)

Sec. 6-16. Impoundment.

(a) Immediately after impounding any animal, the shelter officer shall make a reasonable effort to notify the owner of its impoundment and to inform the owner of the conditions whereby he can regain custody of the animal.

(b) Any animal, without an inoculation tag or other identification, which is impounded under the provisions of this Article and is not claimed by its owner within four (4) business days will become the property of Darlington County or its

lawful agent and may be humanely destroyed by Darlington County or its lawful agent or placed for adoption.

(c) Any animals that are deemed by the county rabies control officer or the senior shelter officer to be sick and/or injured, unweaned or dangerous to humans or other animals may be euthanized immediately.

(d) Animals with an inoculation tag or other identification shall become the property of Darlington County or its agent upon receiving the owner's written permission, two weeks after the owner has been notified by certified mail to the owner's last known address that the animal is in the possession of the county or its agent. (S.C. Code 1976, § 47-3-540). Once the animal has become the property of the county or its agent, the animal may be humanely destroyed or adopted out.

(Ord. No. 98-3, 4-6-98)

Sec. 6-17. Redemption.

(a) The owner shall be entitled to resume possession of an impounded pet, except as herein provided in the cases of certain animals, and upon providing proper identification requirements and the payment of redemption fees—\$25.00 plus a rabies inoculation fee, if applicable (S.C. Code 1976, § 47-3-40). The inoculation fee shall be waived upon the owner providing proof of a valid rabies inoculation for the year in which the pet is being held. For each day beyond a full day after notification that an animal is impounded, \$10.00 per day shall be added to the impoundment fee as a requirement of redemption in addition to the cost of mailing the required notice to the owner. The \$25.00 redemption fee shall be deposited with the treasurer of Darlington County and the remainder shall go to the county's agent or to a special animal shelter account maintained by the county treasurer.

(b) In the case of a dangerous animal which the owner has failed to control properly and which has been impounded, redemption may be made only with the consent of the board of directors of the county humane society and the payment of all fees and charges.

(c) The owner of an impounded animal must apply for the redemption of his animal. The animal may not be released unless authorized by the shelter officer with written assurance from the owner that proper care and control will be maintained.

(d) If an owner redeeming a pet cannot show proof of inoculation against rabies for the year in which the pet is being held, the owner shall be required to pay an inoculation fee to include a 50 percent administration fee. The shelter control officer shall thereafter give a coupon to the owner which is redeemable by licensed veterinarians who have agreed to provide the rabies inoculations. The owner shall be given a list of veterinarians who have agreed to provide the rabies inoculation upon presentment of the coupon. The veterinarian may redeem the coupon by returning it to the county or its lawful agent and the veterinarian shall be paid for the inoculation. The remaining amount shall be kept by the county or its lawful agent for administrative costs. The owner shall have five working days from obtaining possession of the impounded pet to have the pet inoculated for rabies. If the inoculation has not been performed within 15 days from reclamation, the county health department shall contact the owner by certified or registered mail to ensure compliance with the South Carolina Department of Health and Environmental Control Rabies Control Act. If compliance is not immediately made by the owner after being notified by the county health department, the county health department shall enforce compliance with the South Carolina Department of Health and Environment Control Rabies Control Act. Any animal not considered a pet under the existing definition that shall be redeemed by the owner will be charged a fee for the cost of transportation, loading, boarding, and any other expense including but not limited to veterinary care, plus \$25.00 (S.C. Code 1976, § 47-5-140).

(Ord. No. 98-3, 4-6-98)

Sec. 6-18. Adoption.

(a) Any animal impounded under the provisions of this article will, at the end of the legal detention period, become the property of Darlington County or its lawful agent. The animal may then

be adopted by a person deemed to be a responsible and suitable owner, who will agree to comply with the provisions of this article, answer an adoption questionnaire and sign an adoption contract. Adoption fees must be paid at the time of adoption. The adoption fees shall be set by the county council or by agreement between by Council and its agent.

(b) No unsterilized animal shall be allowed to be adopted from the animal shelter unless the prospective owner has agreed to have the pet sterilized or unless this requirement is waived by special written permission of the shelter officer stating the reasons for such a waiver. The prospective owner shall pay a 50 percent deposit toward the cost of sterilization which shall be applied toward the cost of the procedure or refunded when documentation of sterilization is produced.

(c) Any prospective owner shall comply with each and every provision of section 6-17(d) before the prospective owner may adopt the animal.

(d) The animal shelter officer shall have the authority to refuse adoption of an animal to any person deemed unable to provide proper shelter, confinement, humane care and sustenance or to any person who has a prior history of inhumane treatment of or neglect of an animal.

(Ord. No. 98-3, 4-6-98)

Sec. 6-19. Reserved.

Sec. 6-20. Enforcement.

(a) The deputy administrator for public safety, department of public safety, and county animal control officers and animal cruelty investigators are hereby appointed as code enforcement officers for the purposes of the enforcement of this article.

(b) In the event that the animal control officers are unable to respond to complaints due to other commitments, the county sheriff's department or other authorized law enforcement agency may respond to complaints.

(c) Persons empowered to enforce this article shall have the authority to lawfully and humanely destroy any animal which appears to be dangerous and may endanger their safety or the safety of other persons or animals.

(d) The animal control officers or animal cruelty investigators will, if necessary, obtain a search warrant to enter any premises upon which it is suspected a violation of this article exists. An officer may demand to examine such animal and take possession of the animal when, in his opinion, it requires removal from the premises.

(e) No person shall interfere with, hinder, or molest the animal control officers, cruelty investigators or law enforcement officers in the execution of their duties, or seek to release of any animal in the custody of the animal control officers, animal cruelty investigators, or law enforcement officers, except as provided herein.

(f) When an animal and/or its owner is found in violation of any one point of this article, the animal need not be impounded; but the animal control officers, animal cruelty investigators, or law enforcement officers at their discretion, may issue to the owner a notice of violation or a uniform ordinance summons. Any repeat violation within 90 days shall result in a uniform ordinance summons.

(g) It shall be unlawful for any person to keep upon his or her premises any animal that is deemed a public nuisance.

(h) If an animal control officer receives a signed affidavit from a complainant alleging a violation of this article, the officer may issue a uniform ordinance summons based on this information. (Ord. No. 98-3, 4-6-98)

Sec. 6-21. Dangerous animals.

(a) The deputy administrator for public safety shall have the authority to determine if the animal is a dangerous animal based on section 6-21 (a) through (e) of this article:

- (1) As used in this article "dangerous animal" means an animal of the canine or feline family or wild animal:
 - a. Which the owner knows or reasonable should know has a propensity, tendency, or disposition to attack unprovoked, cause injury, or otherwise endanger the safety of human beings or domestic animals;

b. Which:

1. Makes an unprovoked attack that causes bodily injury to a human being and the attack occurs in a place other than the place where the animal is confined as required by section 6-21(c) of this article; or
2. Commits unprovoked acts in a place other than the place where the animal is confined as required by section 6-21(c) of this article and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to a human being;

c. Which is owned or harbored primarily or in part for the purpose of fighting or which is trained for fighting.

(2) "Dangerous animal" does not include:

- a. An animal used exclusively for agricultural purposes; or
- b. An animal which attacks a person who is trespassing or who appears to be trespassing. A trespasser is a person who is not lawfully upon the premises of the owner, as set forth in S.C. Code 1976, § 47-3-770(A).

(3) An animal is not a "dangerous animal" solely by virtue of its breed or species.

(4) As used in this article, "owner" means a person who owns or has custody or control of the animal.

(5) As used in this article, "injury" or "bodily injury" means:

- a. Broken bones;
- b. Lacerations;
- c. Punctures of the skin; or
- d. Any physical injury resulting in death.

(b) The deputy administrator for public safety shall have the authority to deem the animal dangerous. Deputy administrator for public safety shall issue to the owner a document stating that

their animal is a dangerous animal along with a copy of the county animal control ordinance and S.C. Code 1976, § 47-3-710 et seq. (Regulation of Dangerous Animals). The owner must sign a copy of the document that deems the animal dangerous to prove that he has been so informed. If the owner of a dangerous animal wishes to appeal the animal being deemed dangerous, the owner may file, within five days, a written request for a hearing with the county administrator. If the county administrator, upholds the deputy administrator's determination and the owner desires to appeal, the owner may file a show cause hearing.

(c) No person owning or harboring or having the care or the custody of a dangerous animal may permit the animal to go unconfined on his premises. A dangerous animal is "unconfined" as used in this section if the animal is not confined securely indoors or confined in a securely enclosed fence or securely enclosed and locked pen or run area upon the person's premises. The pen or run area must be clearly marked as containing a dangerous animal and must be designed to prevent the entry of the general public, including children, and to prevent the escape or release of the animal. However, this section does not apply to an animal owned by a licensed security company and on patrol in a confined area.

(d) No person owning or harboring or having the care of a dangerous animal may permit the animal to go beyond his premises unless the animal is safety restrained.

(e)(1) If a law enforcement agent, or an animal control officer has probable cause to believe that a dangerous animal is being harbored or cared for in violation of section 6-21(c) of this article or section 6-21(d) of this article, he may petition the court having jurisdiction to order the seizure and impoundment of the dangerous animal while the trial is pending.

(2) If a law enforcement agent, or an animal control officer has probable cause to believe that a dangerous animal is being harbored or housed in violation of section

6-21(d), he may seize and impound the dangerous animal while the trial is pending.

- (f)(1) A person who violates section 6-21(c) of this article or section 6-21(d) of this article, or who is the owner of a dangerous animal which attacks and injures a human being or domestic animal is guilty of a misdemeanor and, upon conviction, may be punished up to the limits provided by law or may be prosecuted under the provisions of the state law (S.C. Code 1976, § 47-3-760 B(1) and (2)).
- (2) A dangerous animal which attacks a human being or domestic animal may be ordered destroyed when, in the court's judgement, the dangerous animal represents a continuing threat of serious harm to human beings or domestic animals.
- (3) A person found guilty of violating this article shall pay all expenses, including, but not limited to, shelter, food, veterinary expenses for boarding and veterinary expenses necessitated by the seizure of an animal for the protection of the public, medical expenses incurred by a victim from an attack by a dangerous animal, and other expenses required for the destruction of the animal [S.C. Code 1976, § 47-3-760(D)].
- (4) Any person owning a dangerous animal shall register the animal with the deputy administrator for public safety on an annual basis. The registration must be filed within 15 days of the animal being deemed dangerous and must be renewed annually. The registration application shall state the owner(s) name, mailing address, address where the animal is kept if it is kept at a location different from the mailing address, type of animal, breed, sex, color and distinguishing markings, and enclosure in which housed. The registration application must be accompanied by proof of liability insurance or surety bond of at least \$50,000.00 insuring or securing the owner for personal injury inflicted by the dangerous animal [S.C. Code 1976, § 47-

3-760(E)]. An annual fee of \$25.00 per animal shall accompany the registration application payable to the treasurer, County of Darlington. Failure to register an animal deemed dangerous will subject the owner to a penalty not to exceed \$500.00.

- (5) The deputy administrator for public safety shall provide the owner registering the dangerous animal a metal license tag bearing the title "dangerous animal" with a consecutive number, County of Darlington, and the deputy administrator for public safety agency phone number. A certificate stating the animal is a registered dangerous animal will also be provided to the owner. The metal license tag shall at all times be attached to a collar or harness worn by the animal for which the certificate and tag have been issued.
- (6) If an owner fails to comply with any of these provisions, then the deputy administrator for public safety shall immediately impound the animal for the safety of the public. Upon impounding the dangerous animal, the deputy administrator for public safety shall immediately notify the owner in writing that the animal has been impounded and will be held pending trial.

(Ord. No. 98-3, 4-6-98)

Sec. 6-22. Nuisance animal.

(a) The actions of an animal constitute a nuisance when an animal disturbs the rights of, threatens the safety of, or damages a member of the general public, or interferes with the ordinary use and enjoyment of their property as defined in this article.

(b) It shall be unlawful for any person to own, keep, possess or maintain an animal in such a manner as to constitute a public nuisance.

- (1) Failing to exercise sufficient restraint necessary to control an animal as required by section 6-14 such that the animal is repeatedly at large (not under the owner's restraint/control);

- (2) Maintaining an animal in an environment of unsanitary conditions which result in offensive odors or are dangerous to the animal or the public health, welfare or safety;
- (3) Maintaining an animal that is diseased or dangerous to the public health;
- (4) Maintaining an animal that habitually or repeatedly chases, snaps at, or attacks pedestrians, bicycles or vehicles, horses or other animals off of the owner's property;
- (5) Maintaining an animal that attacks other animals;
- (6) Maintaining an animal that trespasses on school grounds;
- (7) Maintaining an uninoculated pet;
- (8) Maintaining an unconfined pet in heat (section 6-14(f)); or
- (9) Maintaining a dangerous animal in a manner which violates section 6-21 of this article.

(Ord. No. 98-3, 4-6-98)

Sec. 6-23. Records of impounded animals.

It shall be the duty of the shelter officer to keep accurate and detailed records of seizures and dispositions of all animals coming into the animal shelter's custody and to file this report with the county administrator each month. It shall be the duty of the rabies control officer, assisted by the captain of public safety and animal control officers, to keep accurate records on all animals seized, all reported animal bites, all animals quarantined due to bites or possible violation of the dangerous animal provisions of this article and state law. No animals may be adopted out through quarantine, but must be transferred to the animal shelter for disposition. Said officials shall make monthly reports on said activities to the county administrator and shelter officer.

(Ord. No. 98-3, 4-6-98)

Sec. 6-24. Penalties.

Any person violating any provision of this article shall be deemed guilty of a misdemeanor

and may be punished up to the limits provided by law. The following minimum fines are hereby established:

First offense	\$ 50.00
Second offense	100.00
Third and subsequent offenses...	150.00

All minimum fines are exclusive of court cost, fees and charges.

(Ord. No. 98-3, 4-6-98)

Sec. 6-25. Severability.

If any part of this article shall be held invalid, such part shall be deemed severable and invalidity thereof shall not affect the remaining parts of this article.

(Ord. No. 98-3, 4-6-98)

Supp. No. 8

CD7:1