

Chapter 4 - ANIMALS AND FOWL

Footnotes:

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Cross reference— *Riding animals on beaches, § 5-3; noise generally, § 12-70 et seq.*

ARTICLE I. - IN GENERAL

Sec. 4-1. - Definitions.

For the purpose of this chapter, the following terms shall have meanings respectively ascribed to them:

Adequate food: The provision at suitable intervals, not to exceed twenty-four (24) hours, of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition for the animal. Such foodstuff shall be served in a receptacle, dish or container that is physically clean and in which agents injurious to health have been removed or destroyed to a practical minimum.

Adequate shelter: That shelter which will keep a non-aquatic animal dry, out of the direct path of winds and out of the direct sun and at a temperature level that is healthful for the animal. The containment area for the animal shall be free of accumulated waste and debris so that the animal shall be free to walk or lie down without coming in contact with waste or debris. A suitable method of drainage shall be provided to rapidly eliminate any excess water or moisture. Aquatic and semi-aquatic animals shall have an adequate amount of clean water in which to move. For dogs left outside and unattended, adequate shelter shall meet the following minimum standards: A) The shelter shall be a waterproof and windproof structure of suitable size to accommodate the dog and allow retention of body heat. It shall be made of durable material with a solid, waterproof floor raised at least three (3) inches from the ground and the roof should extend eight (8) inches over the doorway to keep out rain. A doghouse shall not be constructed of metal or any material that readily conducts heat or cold. B) The structure must have a windbreak at the entrance. The structure shall be provided with a sufficient quantity of suitable, clean bedding material to provide insulation and protection against cold and dampness and promote retention of body heat. C) All dogs must be afforded one (1) or more separate areas of shade large enough to accommodate the entire body of the dog at one (1) time to ensure protection from the direct rays of the sun.

Adequate water: A constant access to a supply of clean, fresh water provided for in a sanitary manner.

Animal: Any mammal, fowl or other domestic or wild animal of any kind or nature.

Animal control officer: Any person appointed by the city manager to carry out the requirements of this chapter.

Animal rescue organization: Any not-for-profit organization having tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or significant part, the rescue and placement of animals into permanent homes, and which does not breed animals. Animal rescue organizations do not include any entity which: (1) is located on the same premises as a person or entity that breeds dogs or cats; (2) has any personnel in common with such a person or entity, including but not limited to, any employee, manager, or board member; (3) obtains any dogs or cats from such a person; or (4) facilitates the sale of dogs or cats that were obtained from such a person.

Cat: A member of the species of domestic cat, *Felis catus*.

Commercial establishment: An establishment involving an activity with goods, merchandise, or services for sale or involving a rental fee.

Dog: A member of the species of domestic dog, *Canis familiaris*.

Domestic animal: Any dog, cat, or domesticated ferret not defined as wildlife or livestock.

Extreme weather: Any period in which a severe weather advisory or warning has been issued for the area by the National Weather Service.

Nuisance animal: Any animal that unreasonably annoys humans, endangers the life or health of other animals or persons, or substantially interferes with the rights of citizens, other than their owners, to the enjoyment of life or property.

Offer for sale: To sell, exchange for consideration, offer for adoption, advertise for the sale of, barter, auction, give away, or otherwise dispose of animals.

Outside and unattended: Any dog who is exposed to the elements for a duration of longer than fifteen (15) minutes and not in visual range and physical presence of the owner. This expressly includes, but is not limited to, a dog in a securely fenced-in yard, a dog in a kennel, or a dog that is tethered. For purposes of this section, a dog shall be considered "outside" regardless of access to an outdoor doghouse or similar structure.

Owner or keeper: Any person who keeps, harbors, maintains an animal; or has an animal within care, custody and control; or acts as custodian of any length of time; or permits an animal to remain on or about the premises occupied, owned, leased, rented or lawfully accessed by the person, within the city limits.

Pet shop: An establishment where companion animals are bought, sold, exchanged, or offered for sale or exchange to the public.

Vicious animal: Any animal that attacks, bites or injures human beings or domesticated animals without adequate provocation, or which, because of temperament, conditioning, or training, has a known propensity to attack, bite or injure human beings or domesticated animals.

(Code 1970, § 5-1; Ord. of 3-19-80; Ord. No. 88-29, 7-19-88; Ord. No. 02-45, § 1, 10-21-02; Ord. No. 19-36, 8-19-19)

State Law reference— Definition of "animal," S.C. Code 1976, § 47-1-10; definition of "dog" and "vicious dog," § 47-3-10; definition of "pet," "owner," "inoculation," etc., § 47-5-20; definition of stray, § 47-7-10; definition of "livestock" and "owner," § 47-9-210.

Sec. 4-2. - Animals running at large; removal of excretion from public property.

It shall be unlawful for any person having charge, care, ownership or control of any animal to:

- (a) Allow any animal to run at large and beyond the limits of the property or lots owned, leased or occupied by such person.
- (b) Allow any dog to be on the public beaches, whether leashed and under control or running at large from 9:00 a.m. to 5:00 p.m. during the period from May 15th through September 15th of each year.
- (c) Fail to remove any of the animals' excretion deposited on the beach, boardwalk, dune crossover, public ways, recreational parks, or other public property.

All animals found unlawfully running at large within the city shall be taken into custody and impounded at the animal shelter.

(Code 1970, §§ 5-2, 5-20, 6-14; Ord. of 6-17-75; Ord. of 3-19-80; Ord. No. 88-29, 7-19-88; Ord. No. 98-05, § 1, 2-2-98)

State Law reference— Livestock at large, S.C. Code 1976, § 47-7-110.

Sec. 4-3. - Keeping of certain animals prohibited.

It shall be unlawful for any person to keep any wild animals, vicious animals, livestock or poultry, except at:

- (1) Carnivals and circuses authorized by special permit in accordance with this Code, provided such use does not exceed a period of one (1) week;
- (2) A zoo;
- (3) A non-profit educational or research facility;
- (4) A for-profit business where animals are displayed but are not sold, bartered, given or traded to the public.

(Code 1970, § 5-3; Ord. of 3-19-80; Ord. No. 13-30, § 1, 1-6-14)

Cross reference— Disposition of vicious animals, § 4-26.

State Law reference— Keeping vicious dog, S.C. Code 1976, § 47-3-50.

Sec. 4-4. - Manner of keeping and maintaining animals; female dogs in heat.

All animals shall be kept and maintained in such a manner as to not damage property or disturb the peace, comfort, health, safety or general welfare of any person within the city.

At the discretion of the animal control officer and when nuisance problems exist due to a female dog in heat, the owner of the female dog in heat shall maintain the dog in such a manner whereas not to excite or attract unwanted male dogs.

(Code 1970, § 5-4; Ord. of 3-19-80; Ord. No. 88-29, 7-19-88)

Sec. 4-5. - Cruelty to or poisoning of animals.

- (a) It shall be unlawful for any person willfully or through neglect to override, overload, wound, injure, torment, torture, deprive of adequate food, adequate water, adequate shelter, cruelly beat, choke, needlessly mutilate or kill any animal or cause any of the aforesaid things to be done.
- (b) Every act, or omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted is prohibited. Such acts or omissions shall include, but are not limited to: beating, choking, kicking, hanging, submerging under water, suffocating, poisoning, confining in a closed vehicle without engaging functioning air conditioning or ventilation whenever the ambient temperature exceeds seventy (70) degrees Fahrenheit, confining in the closed trunk of a vehicle, setting on fire and depriving of adequate food, water, shelter and medical treatment, or otherwise subjecting the animal to conditions detrimental to its health or general welfare.
- (c) It shall be unlawful to leave or confine an animal in any unattended motor vehicle under such conditions that would endanger the health or well-being of the animal due to heat, cold, lack of adequate ventilation, lack of food and water, or any other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal.
- (d) It shall be unlawful for any person to allow a dog to be tethered: (1) between the hours of 10:00 p.m. and 6:00 a.m. or when no owner or keeper of the dog is present on the premises; (2) by a tether of less than ten (10) feet in length, or less than four (4) times the length of the dog's body from tip of nose to base of tail, whichever is greater; (3) by a tether the length of which allows the dog to cross the property line of the property on which it is tethered; (4) using a logging chain, tow chain, or other tether that causes injury or pain to the dog because of the material of which it is made or because of the size or weight of the tether; (5) by attaching the tether to the dog by a collar that is not properly fitted or by means of a choke chain collar, pinch collar, or prong collar; (6) in an area likely to cause injury or pain to the dog because of entanglement or because of surrounding structures.

(e) It shall be unlawful to leave a dog outside and unattended during extreme weather.

(f) Violation of this section shall be punished as provided in Section 1-6, General Penalty.

(Code 1970, §§ 5-5, 5-6; Ord. of 3-19-80; Ord. No. 02-45, § 2, 10-21-02; Ord. No. 19-36, 8-19-19)

State Law reference— Cruelty to animals, S.C. Code 1976, § 47-1-10 et seq.

Sec. 4-6. - Selling, releasing, displaying certain animals prohibited.

(1) *Dogs and cats.*

A. It shall be unlawful for any pet shop, as defined in [section] 4-1, or any other commercial establishment located within the city to offer for sale a dog or cat.

B. A pet shop or other commercial establishment may provide space to an animal shelter, as defined under S.C. Code 47-3-10(2), or an animal rescue organization as defined in [section] 4-1 to offer to the public dogs or cats for a nominal adoption fee, provided that the pet shop or commercial establishment shall not have any ownership interest in the animals offered and shall not receive any fee for providing space or for the adoption of any of the animals.

C. Violation of this section shall be punished as provided in section 1-6, General Penalty.

(2) *Exotic animals.*

A. It shall be unlawful to sell, give away, barter, exchange; display in any street, right-of-way, public property or private property open to the public; or to intentionally release from captivity from a confined container, cage or other containment device into any outdoor or unconfined and/or uncontained area; any "exotic animal" as defined below:

B. "Exotic animal" means any member of the following families in the Class Reptilia, including hybrids thereof, and further defined as follows:

a. Order Squamata:

i. Family Varanidae (water monitors and crocodile monitors);

ii. Family Boidae (anacondas (Genus Eunectes), boas constrictors, Burmese pythons (Python morlurus), reticulated pythons (Python reticulatus), amethystine pythons (Morelia amethistinus), scrub pythons (Morelia kinghorni), Northern African pythons (Python sebae), Southern African pythons (Python natalensis), Ball Python (Python Regius), Brazilian Rainbow boa and all species whose adult length has the potential to exceed eight (8) feet in length;

iii. Family Colubridae (boomslangs (Dispholidus typus), twig snakes (Genus Thelotomis);

iv. Family Elapidae (all species such as cobras, mambas, and coral snakes);

- v. Family Nactricidae (only keelback snakes);
- vi. Family Viperidae (all species such as rattesnakes, pit vipers, and puff adders;
- b. Order Crocodilia (such as crocodiles, alligators, caimans, gavials).
- C. Exceptions to the prohibition against displaying exotic animals include zoos, non-profit educational or research facilities and for-profit businesses where reptiles are displayed but are not sold, bartered, given or traded to the public.

(Ord. No. 13-29, 1-6-14; Ord. No. 19-36, 8-19-19)

Sec. 4-7. - Impounding and disposition—Generally; record.

- (a) All animals which are found within the city in violation of this chapter shall be taken into custody and impounded at the city pound.
- (b) The officer shall take into custody any animals which are kept within the city without food, water or proper care.
- (c) The officer shall take into custody any animal which has been determined to have been abused, neglected, or in immediate danger.
- (d) The animal control officer or other authorized person who impounds or takes into possession or otherwise disposes of any animal shall maintain a record of such disposition, giving sufficient or satisfactory identifying marks or description of such animal for the record, the date of impoundment, the fees accrued and final disposition.

(Code 1970, §§ 5-2, 5-7, 5-8, 5-12, 6-14; Ord. of 3-19-80; Ord. No. 02-45, § 3, 10-21-02)

Cross reference— Impounding of vicious animals, § 4-26.

Sec. 4-8. - Same—Notice to owner of animals; disposition if not reclaimed.

When any animal is impounded, the city manager, or his authorized agent, shall immediately notify the owner. If the owner is unknown, the city manager or his authorized agent shall maintain a record at the animal shelter. Such record shall have a description of the animal. If the animal is not reclaimed within five (5) days, the animal control officer or the shelter manager shall dispose of the animal in a humane way, except the following:

- (1) Wild cats;
- (2) Vicious dogs imposing a safety threat to shelter workers or visitors;
- (3) Badly injured, sick, or suffering animals requiring extensive treatment;
- (4) Animals with highly contagious or fatal diseases;

which shall be exempt from the five (5) days impoundment, at the discretion of the shelter manager and/or the animal control officer. This section shall not apply to animals impounded under section 4-28.

(Code 1970, § 5-9; Ord. of 9-21-82; Ord. No. 88-29, 7-19-88; Ord. No. 19-01, § 1, 1-7-19)

Sec. 4-9. - Same—Fees.

- (a) There shall be charged an impoundment fee of twenty-five dollars (\$25.00) for the first day or any part thereof for each animal impounded, plus a fee of ten dollars (\$10.00) each succeeding day thereafter.
- (b) In the absence of proof of purchase of either current city license or rabies inoculation, an additional fee of ten dollars (\$10.00) will be charged; in the absence of proof of purchase of both rabies inoculation and city license, an additional fee of twenty dollars (\$20.00) will be charged.
- (c) Fees shall be collected at the animal shelter before the animal is released to the owner.

(Code 1970, § 5-10; Ord. of 3-19-80; Ord. No. 88-29, 7-19-88; Ord. No. 02-45, § 4, 10-21-02)

Sec. 4-10. - Same—Rescue of animals.

No person shall rescue any animal which has been impounded or taken into custody by an authorized person.

(Code 1970, § 5-11; Ord. of 3-19-80)

State Law reference— Illegal release of dog, S.C. Code 1976, § 47-3-50.

Sec. 4-11. - Penalties.

The violation of this chapter shall subject the offender, upon conviction, to punishment as provided in section 1-6, in addition to the fees for board and expenses, and the impoundment charge provided in section 4-9, except, that in the case of a first offense, the court may, in its discretion, suspend the sentence and judgment upon payment of the fees set out in section 4-9.

(Code 1970, § 5-24; Ord. of 3-19-80)

Sec. 4-12. - Obstruction of animal control officer.

- (a) It shall be unlawful for any person to hinder, interfere, harass or otherwise obstruct the performance of any officer of the animal control division in the official performance of his or her duties as provided for in this chapter.
- (b) It shall be unlawful for any person to relocate, interfere with, or alter the operation of any device, equipment, or item of the animal control division.
- (c) It shall be unlawful for any person to place any animal into or to remove without permission of animal control officers any animal confined within a trap or cage operated by the animal

control division.

- (d) It shall be unlawful for any person to give a false name, address or date of birth to any officer, employee or agent of the animal control division in the lawful discharge of his or her official duties with the intent to mislead such officer employee or agent in any way.

(Ord. No. 02-45, § 7, 10-21-02)

Secs. 4-13—4-19. - Reserved.

ARTICLE II. - DOMESTIC ANIMALS; RABIES CONTROL

Sec. 4-20. - Domestic animal license—Required.

Every person owning or having the custody or possession of any domestic animal four (4) months of age or over, within the city, shall obtain a license for such domestic animal.

(Code 1970, § 5-15; Ord. of 3-19-80; Ord. No. 02-45, § 5, 10-21-02)

Sec. 4-21. - Same—Fees; rabies inoculation required; issuance of tag.

- (a) The city shall charge an annual license fee according to the schedule of fees for each domestic animal.
- (b) Domestic animal licenses shall expire one (1) year from the date of purchase.
- (c) Proof of rabies inoculation will be required before a city license is issued.

(Code 1970, § 5-16; Ord. of 3-19-80; Ord. No. 88-29, 7-19-88; Ord. No. 02-45, § 5, 10-21-02)

Sec. 4-22. - Same—Tag to be attached to collar or harness.

The domestic animal license tag issued hereunder shall be attached to a collar or harness worn by the domestic animal.

(Code 1970, § 5-17; Ord. of 3-19-80; Ord. No. 02-45, § 5, 10-21-02)

Sec. 4-23. - Same—Expiration date.

Domestic animal licenses issued hereunder shall expire one (1) year from the date of purchase.

(Code 1970, § 5-18; Ord. of 3-19-80; Ord. No. 88-29, 7-19-88; Ord. No. 02-45, § 5, 10-21-02)

Sec. 4-24. - Running at large prohibited; dogs in public to be on leash.

No person having the ownership, possession or control of any dog shall allow such dog to run at large within the city. Any dog which is off the property of the person having the ownership, possession or control of such dog, shall be on a leash not exceeding seven (7) feet in length and shall be under the control of the person having custody of such dog.

(Code 1970, § 5-20; Ord. of 3-19-80)

State Law reference— Dogs at large, S.C. Code 1976, §§ 47-3-50, 47-3-70.

Sec. 4-25. - Keeping dogs which chase vehicles, attack persons, etc.

No person shall keep or have within the city, a dog that habitually or repeatedly chases, snaps at, attacks or barks at pedestrians, bicyclists or vehicles.

(Code 1970, § 5-22; Ord. of 3-19-80)

Sec. 4-26. - Vicious, dangerous or nuisance animals.

- (a) If any animal is determined to be vicious or dangerous, it shall be impounded or otherwise disposed of, in the discretion of the animal control officer, health officer and/or the shelter manager.
 - (1) If an animal control officer is unable to safely handle such a vicious animal whereby to impound said animal, the animal owner or person in control of said animal shall be required to transport the animal to the animal shelter upon the request of the animal control officer for proper disposition.
 - (2) In the discretion of the animal control officer, any dog that is aggressively offensive or has a recorded history of the same, shall be maintained in a properly secured fenced or penned area whereby the animal cannot run at large to intimidate people, children or other domesticated pets. The area in which such dog is maintained shall be posted on the fence with a sign that reads "BEWARE OF DOG."
 - (3) No animal shall be declared dangerous if the threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the animal, or was teasing, tormenting, abusing, or assaulting the animal or has, in the past, tormented, abused or assaulted the animal or was committing or attempting to commit a crime.
- (b) Nuisance animals are unlawful if such animals unreasonably annoy humans, endanger the life or health of other animals or persons, or substantially interfere with the rights of citizens, other than their owners, to the enjoyment of life or property. Nuisance animals shall include animals that damage the property of anyone other than its owner, molest or intimidate pedestrians or people passing by, cause the fouling of air by odor, cause unsanitary

conditions in enclosure or surroundings where the animal is kept or harbored, and/or are aggressively offensive or have a recorded history of viciousness to the health, safety or welfare of the public.

(Code 1970, § 5-23; Ord. of 3-19-80; Ord. No. 88-29, 7-19-88)

Sec. 4-27. - Rabies inoculation required.

Every owner or person having the custody or possession of a domestic animal four (4) months of age or older, shall have such domestic animal inoculated against rabies within seven (7) days after being instructed to do so by the city's animal control officer, health officer and/or shelter manager. Evidence of such inoculation shall consist of a certificate signed by a licensed graduate veterinarian or the duly authorized person administering the vaccine. This certificate shall be in a form prepared and issued by the state department of health and environmental control, and no other certificate shall be used. The veterinarian may stamp or write such veterinarian's name and address on such certificate. One (1) copy of the certificate shall be given to the owner, one (1) filed with the county health department and one (1) retained by the person administering the vaccine. Coincident with the issuance of the certificate of inoculation, the licensed graduate veterinarian, the rabies control officer or an assistant shall also furnish a serially numbered metal license tag bearing the same number and year as the certificate. The metal license tag, when issued by the licensed graduate veterinarian, shall bear the name of such veterinarian. The metal license tag shall at all times be attached to a collar or harness worn by the domestic animal for which the certificate and tag have been issued.

(Code 1970, § 5-19; Ord. of 3-19-80; Ord. No. 88-29, 7-19-88; Ord. No. 02-45, § 6, 10-21-02)

State Law reference— Annual inoculation of pets. S.C. Code 1976, § 47-5-60.

Sec. 4-28. - Procedure when animals have bitten persons or other animals.

- (a) It shall be unlawful for any person, except the animal control officer, health officer or a licensed veterinarian, to destroy or dispose of any dog or other animal which has bitten any person or any other animal within a period of ten (10) days after such biting.
- (b) When any dog or other animal bites any person within the city, such dog or other animal, when identified, shall be impounded and quarantined in the city pound by the animal control officer, or, upon request of the owner of such biting dog, or other animal, impounded under the jurisdiction and observation of a licensed veterinarian, for a period of ten (10) days to determine whether the dog or other animal has rabies. Any expense incurred for such impounding or veterinarian fee shall be paid by the owner of such animal impounded.

(Code 1970, § 5-13; Ord. of 3-19-80)

State Law reference— Similar provisions, S.C. Code 1976, § 47-5-100.