

## ORDINANCE NO. 2023-7

**AN ORDINANCE FOR THE CITY OF FOREST ACRES, STATE OF SOUTH CAROLINA, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF FOREST ACRES, BE AMENDED BY REVISING CHAPTER 4, ANIMALS AND FOWL, TO ADOPT BY REFERENCE THE RICHLAND COUNTY ANIMAL CONTROL ORDINANCE AND FEES SET FORTH THEREIN AND TO FURTHER PROVIDE REVISED PROVISIONS REGARDING ANIMAL CONTROL AND ADOPT FEES TO BE ASSESSED FOR VIOLATIONS; AND FURTHER BY REVISING SECTION 13-10, TO PROVIDE FOR DECLARATION OF NUISANCES OFFENDING PUBLIC DECENCY, PEACE AND ORDER RELATING TO ANIMAL CONTROL VIOLATIONS.**

**WHEREAS**, animal control and care services are provided to citizens and residents within the City of Forest Acres by way of inter-governmental agreement with Richland County; and,

**WHEREAS**, Richland County has notified the City that the County's continued provision of animal control and care services in the City is contingent on the City agreeing to adopt the Richland County animal control ordinance, including all licensing requirements, fees and penalties set forth therein, for uniformity of services throughout all areas served in the County; and,

**WHEREAS**, at a public meeting duly assembled on June 13, 2023, the City Council approved an updated inter-governmental agreement with Richland County for animal control and care services, which agreement provides for the City to adopt the provisions of the Richland County animal control ordinance; and,

**WHEREAS**, a copy of the current Richland County animal control ordinance, as adopted in Richland County Ordinance No. 019-17HR, adopting as amended Chapter 5, Sections 5-1 through 5-19 of the Richland County Code of Ordinances, is attached hereto as Exhibit 1, to be kept on file with this ordinance in the office of the City Clerk; and,

**WHEREAS**, the Mayor and Council of the City of Forest Acres find that it would be beneficial to the public interest and general welfare of the City to adopt the provisions of the Richland County animal control ordinance and to make other modifications to the City's existing animal control and public nuisance ordinances; and,

**WHEREAS**, the Mayor and Council of the City of Forest Acres find that the fee provisions set forth in the Richland County animal control ordinance adopted herein are reasonable and proportionate to the burden on Richland County to provide, on behalf of the City, the licensing and animal control and care services associated with such fees; and,

**WHEREAS**, the Mayor and Council of the City of Forest Acres find that the fees set forth in the City Code of Ordinances provisions amended and/or adopted herein related to enforcement of regulations regarding nuisance pets, pet noise, dangerous or vicious pets, and aggressive pets, are reasonable and proportionate to the burden on the City to provide such enforcement services in response to repeated violations by pet owners and other responsible parties;

**NOW, THEREFORE**, pursuant to the power vested in the Council of the City of Forest Acres by virtue of Sections 5-7-30 and 5-7-260, 47-3-20, 47-3-70, and 47-5-210 of the Code of Laws of South Carolina, 1976, as amended;

**BE IT ORDAINED BY THE CITY COUNCIL**, City of Forest Acres:

**Section 1.** That Section 4.2 of the Code of Ordinances, City of Forest Acres, South Carolina, is hereby amended to read as follows:

Sec. 4-2. – Adoption of Richland County animal control ordinance.

- (a) The provisions of the Richland County animal control ordinance as adopted in Richland County Ordinance No. 019-17HR, adopting as amended Chapter 5, Sections 5-1 through 5-19 of the Richland County Code of Ordinances, including all licensing requirements, fees and penalties set forth therein, are adopted and incorporated here by reference and shall apply in full force and hereafter govern the control of animals in the city. References in the ordinance to unincorporated areas of the county shall be interpreted to apply to incorporated areas of the city. A copy of the ordinance shall be kept on file in the office of the city clerk. Nothing in this section shall be construed to mean that any city ordinance or provision thereof is repealed by implication.
- (b) Subsequent amendments by Richland County to the county animal control provisions adopted in this section shall not be deemed to amend such provisions as the same apply in the city, and such provisions shall instead continue to apply in the city in the form adopted by this section until amended by city council.
- (c) Richland County, through any appropriate agency, department, or designee thereof, shall serve as the animal control officer for the city and shall have the power and authority to exercise all licensing, enforcement, and other powers as provided for in the animal control ordinance adopted by this section. Nothing in this section shall be construed to limit the jurisdiction or authority of the city to enforce any animal control regulation set forth in or adopted or incorporated by this chapter.

**Section 2.** That Chapter 4, Article II (“Pets”) of the Code of Ordinances, City of Forest Acres, South Carolina, is hereby amended to read as follows:

ARTICLE II. - PETS

Sec. 4-11. - Definitions.

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

*At-large.* The term "at-large" shall mean beyond or outside of the boundaries of the owner's property.

*Owner.* The term "owner" shall mean and include any person who has a right of property in a pet, or keeps or harbors a pet or has it in his care or acts as its custodian, or permits a pet to remain on or about any premises occupied by him.

*Pets.* The term "pet" shall mean dogs, all members of the canine family, cats and all other animals not prohibited by section 4-1, four (4) months or more of age, excluding other confined household animals, fish or birds.

Sec. 4-11.1. - Number of pets.

No premises within the city shall contain or have located thereon more than three (3) pets of any genus, except for veterinarian establishments as authorized by the city zoning ordinance.

Sec. 4-11.2. - Removal of excrement.

The owner of every pet shall be responsible for the immediate removal of any excretions deposited by such pet on any public walks and roadways, public parks and recreation areas or property of anyone other than that of the owner. The owner of every pet shall not permit pet excretions to accumulate on any property in a manner that creates an odor detectible beyond the premises on which the pet is normally confined or becomes offensive or annoying to the public or dangerous to the public health, welfare or safety.

Sec. 4-12. - Inoculation against rabies.

It shall be unlawful for any person who owns or keeps a pet to fail to have such pet inoculated against rabies at a frequency to provide continuous protection of the pet from rabies as required by the South Carolina Rabies Control Act, Title 47, Chapter 5 of the South Carolina Code of Laws.

Sec. 4-13. - Inhumane treatment prohibited.

The owner of any pet within the city shall provide all sustenance, shelter and other care and facilities necessary to protect the pet from the elements and to keep it reasonably clean and healthy, and shall maintain all such facilities in a sanitary condition. It shall be unlawful for any person to physically abuse or otherwise ill-treat a pet, or to use more force than reasonably necessary to train or discipline the same.

Sec. 4-14. - Running at-large prohibited.

It shall be unlawful for any person who owns or keeps a pet to permit such pet to run or be at-large within the limits of the city, unless such pet is on a leash and under the control of the custodian thereof.

Sec. 4-15. - Reserved

Sec. 4-16. - Nuisance pets.

- (a) The actions of a pet constitute a nuisance when a pet 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.
- (b) It shall be unlawful for any person to own, keep, possess, or maintain a pet in such a manner so as to constitute a public nuisance. By way of example, and not of limitation, the following acts or actions by an owner of any pet are hereby declared to be a public nuisance and are, therefore, unlawful:
  - (1) Failing to exercise sufficient restraint necessary to control a pet as required by section 4-14.
  - (2) Allowing or permitting a pet to damage the property of anyone other than its owner, including, but not limited to, turning over garbage containers or damaging gardens, flowers, or vegetables.
  - (3) Maintaining pet(s) in an environment of unsanitary conditions which results in offensive odors or is dangerous to the pet or to the public health, welfare or safety.
  - (4) Maintaining owner's property in a manner that is offensive, annoying or dangerous to the public health, safety or welfare of the community because of the number, type, variety, density or location of the pet(s) on the property.
  - (5) Maintaining a pet that is diseased and dangerous to the public health.
  - (6) Maintaining a pet that, while not on the owner's property, habitually or repeatedly chases or barks at pedestrians, bicycles or vehicles.
  - (7) Failing to keep female pet(s) in heat confined in building or secure enclosure in such manner as will not create a nuisance by attracting other animals.
- (c) Violations of this section shall be subject to assessment of fees in accordance with section 4-20. Additionally, upon any violation(s) occurring within a twelve-month period subsequent to the owner(s) having been provided notice of a violation as provided for in section 4-20, such owner(s) shall be subject to the penalties set forth in section 1-8 of this Code.

Sec. 4-17. - Pet noise.

- (a) No pet shall be allowed or permitted to bark, whine, or howl, or any combination thereof, in any excessive, unwarranted, continuous or untimely fashion, or make other noise(s) in such a manner so as to result in an annoyance or interference with the reasonable use and enjoyment of neighboring premises or to disturb any nearby resident(s) or to create a nuisance.
- (b) Determination of a violation of section 4-17(a) may be based, without limitation to other satisfactory means of documentation, on one or more of the following:

- (1) Personal observation, including auditory observation, by a city police officer, code enforcement officer, or other city staff;
  - (2) Audio-visual recording by some other witness accompanied by a signed written statement from such witness that he or she was present at the time the recording was made and specifying the date, time and location thereof.
- (c) Violations of this section shall be subject to assessment of fees in accordance with section 4-20. Additionally, upon any violation(s) occurring within a twelve-month period subsequent to the owner(s) having been provided notice of a violation as provided for in section 4-20, such owner(s) shall be subject to the penalties set forth in section 1-8 of this Code.

Sec. 4-18. - Dangerous or vicious pets.

- (a) No owner(s) of a dangerous pet(s) may permit the pet(s) to go unconfined on his/her premises. A dangerous pet is unconfined as the term is used in this section if the pet is not securely confined indoors or confined in a securely enclosed and locked pen or "run" upon the person's premises. The pen or run area also must have either sides six (6) feet high or a secure top. If the pen or structure has no bottom secured to the sides, the sides must be imbedded into the ground at a depth of no less than one (1) foot. However, the provisions of this section shall not apply to any animal that is owned by a licensed security company and is on patrol in a confined area.
- (b) For the purposes of this section, a dangerous or vicious pet shall be defined to be any one (1) of the following:
  - (1) Any pet with a propensity, tendency or disposition to attack, snap at, to cause injury to, or to otherwise endanger the safety of human beings or other domestic animals; or
  - (2) Any pet which attacks a human being or other domestic animal one (1) or more times without provocation whether or not such attack occurs on the premises of the pet's owner(s); or
  - (3) A pet owned or harbored primarily or in part for the purpose of animal fighting.
- (c) Violations of this section shall be subject to assessment of fees in accordance with section 4-20. Additionally, owner(s) in violation of this section shall be subject to the penalties set forth in section 1-8 of this Code.

Sec. 4-19. - Aggressive pets.

- (a) It shall constitute a public nuisance, and be unlawful, if on more than one occasion in a twelve (12) month period a pet is allowed or permitted, including through neglect or lack of diligence, to leave the property of its owner or other person with its care, custody or control and as a result then acts in an aggressive manner as defined herein while off the property.

- (b) For the purposes of this section, a pet acting in an aggressive manner shall be defined to be any pet that engages in any one or more of the following behaviors:
  - (1) Attacks a human being or other domestic animal one (1) or more times without provocation;
  - (2) While unrestrained, chases, snaps at, attacks, barks at, growls at, bares its teeth at, or otherwise displays aggressive behavior toward pedestrians, bicycles, vehicles, or any individual on public or private property.
- (c) A pet shall be deemed to have been allowed or permitted to leave property on more than one occasion within the meaning of section 4-19(a) if:
  - (1) The same or a different pet leaves the same property on separate occasions; or
  - (2) The same owner or custodian allows or permits a pet to leave separate properties on separate occasions.
- (d) Determination of a violation of section 4-19(a) may be based, without limitation to other satisfactory means of documentation, on one or more of the following:
  - (1) Personal observation, including auditory observation, by a city police officer, code enforcement officer, or other city staff;
  - (2) A signed written statement from some other witness detailing the manner in which the pet acted aggressively and specifying the date, time and location of the incident, which statement may or may not be accompanied by photographic or video evidence documenting that the pet was off the property of its owner or other person with its custody and, as applicable, was unrestrained.
- (e) Violations of this section shall be subject to assessment of fees in accordance with section 4-20; provided, however, that for purposes of this section the notice described in section 4-20 may be provided after the first instance of a pet leaving a property and acting in an aggressive manner as defined herein and the associated fee(s) may be assessed after each subsequent instance within the specified period. Additionally, owner(s) in violation of this section shall be subject to the penalties set forth in section 1-8 of this Code.

Sec. 4-20. – Assessment of fees against responsible parties.

- (a) The provisions of this section apply to violations of the following sections of this Code, referred to for purposes of this section as “applicable sections”:
  - (1) Section 4-16 (Nuisance pets)

- (2) Section 4-17 (Pet noise)
  - (3) Section 4-18 (Dangerous or vicious pets)
  - (4) Section 4-19 (Aggressive pets)
- (b) For purposes of this section, the “responsible party or parties” for a real property shall mean the owner(s) of real property where a pet is located, whether such owner(s) are in occupancy of the premises or not, as well as the tenant, renter, or lessee of real property where a pet is located, as well as any occupant of real property having care, custody, ownership, or control over a pet. This definition shall not apply in relation to a property that a pet enters without permission while running at-large.
- (c) The owner(s) of any pet determined to be in violation of an applicable section and/or the responsible party or parties for any property where any pet determined to be in violation of an applicable section is located (or, as applicable, from which the pet was allowed or permitted to leave) shall be provided written notice of the violation, by the city police department or code enforcement officer. For any violation(s) of such applicable section occurring within a twelve-month period following notification as set forth herein, such owner(s) and responsible party or parties so notified shall be assessed a fee of one hundred dollars (\$100.00) per violation to be paid to the city. If any property owner does not occupy or reside at the property, separate fees shall be assessed against the absent property owner and the tenant or other occupant. Any fee so assessed shall be paid within thirty (30) days of the date of issuance. Failure to pay such fee shall be deemed a violation of this section and shall be punishable in accordance with section 1-8 of this Code.
- (d) Written notice of violation under this section shall be provided as follows:
- (1) Upon the owner-occupant(s), tenant(s), renter(s), lessee(s) and/or other occupant(s) of the property by personal delivery to a person at least 16 years of age lawfully upon the premises or, if such personal delivery cannot be accomplished, by posting the notice on the premises. In the alternative, notice to such parties may be mailed to the property address. Such delivery, posting, or mailing shall constitute notice to all such responsible parties. Notice may be provided to a pet owner by any means specified above at such pet owner’s last known address.
  - (2) Upon any property owner who does not occupy or reside at the property by mailing notice to such party’s last known address.
  - (3) Any notice of violation by mail under this section shall be deemed delivered as of the second day after being deposited in the mail.

**Section 3.** That Section 13-10(3)(c) of the Code of Ordinances, City of Forest Acres, South Carolina, is hereby amended by adding subsection (8), underlined hereinbelow, to read in relevant part as follows:

Sec. 13-10. - Nuisances offending public decency, peace and order.

The following are hereby declared to be public nuisances affecting public decency, peace and order, whether such violations are of an intermittent, cyclical, continual, reoccurring or constant nature; and when the responsible party generates, enables, or contributes to the occurrence of the unlawful behavior by an absence or failure of property management policy or practice, absence or failure of control over the property, absence or failure of supervision of tenants, occupants, guests or invitees, absence or failure of security measures:

...

(3) Any structure or property where violations against the federal or state laws or municipal ordinances occur, are reported, and/or are observed by law enforcement, public safety, or code enforcement personnel with such disproportionate frequency or intensity as to require an excessive public safety response. "Excessive public safety response" means:

...

c. There have been more than four (4) citations, or search warrants executed, or a combination thereof, at that structure or property for any of the following behaviors during any twelve (12) month period:

...

6. Disorderly person as set forth in section 10-8; ~~and/or~~

7. Carrying a deadly weapon as set forth in section 10-9; and/or

8. Violations of animal control ordinances subject to assessment of fees under section 4-20, with a written notice of violation or assessment of fees constituting a citation for purposes of this section, and also including notice of the first instance of conduct that does not give rise to a violation until a subsequent instance of such conduct.

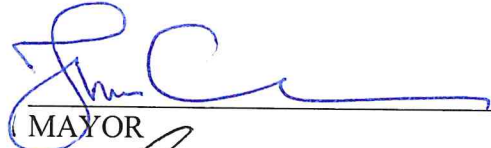
**Section 4.** Should any provision, section, paragraph, sentence or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, or words of this Ordinance as hereby adopted shall remain in full force and effect.

**Section 5.** That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Effective date. The effective date of this ordinance shall be immediately upon its passage.



**ORDAINED AND ADOPTED** under the Corporate Seal of the City of Forest Acres, State of South Carolina, this 8<sup>th</sup> day of August, 2023.

  
MAYOR

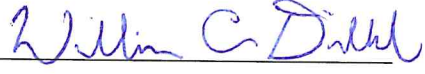
  
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ATTEST: , City Clerk

Approval of City Attorney as to form: 

Person Requesting Ordinance: City Council

Public Hearing: August 8, 2023

First Reading: July 25, 2023

Second Reading: August 8, 2023

# EXHIBIT 1

Richland County Ordinance No. 019-17HR  
(Adopting as amended Chapter 5, Sections 5-1 through 5-19 of the  
Richland County Code of Ordinances)

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. 019-17HR

2018 OCT 19 AM 9:39  
JEANETTE W. McBRIDE  
C.C.P. & G.S.  
RICHLAND COUNTY  
FILED

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 5, ANIMALS AND FOWL.

Pursuant to the authority granted by the Constitution of the State of South Carolina and the General Assembly of the State of South Carolina, BE IT ENACTED BY RICHLAND COUNTY COUNCIL:

SECTION I. The Richland County Code of Ordinances; Chapter 5, Animals and Fowl, is hereby amended by the deletion of the language contained therein and the substitution of the following language:

**CHAPTER 5: ANIMALS AND FOWL**

**Sec. 5-1. Definitions.**

2018 OCT 19 AM 12:00  
JEANETTE W. McBRIDE  
C.C.P. & G.S.  
RICHLAND COUNTY  
FILED

Whenever used in this chapter, unless a contrary intention is clearly evidenced, the following terms shall be interpreted as herein defined.

*Abandon* shall mean to desert, forsake, or intend to give up absolutely an animal without securing another owner.

*Abuse* shall mean the act of any person who deprives any animal of necessary sustenance or shelter, or inflicts unnecessary pain or suffering upon any animal, or causes these things to be done.

*Animal* shall mean, in addition to dog and cat, any organism of the kingdom of Animalia, other than a human being.

*Animal Care Officer* shall mean any person employed by the county to enforce the animal care program.

*Animal Care Facility* shall mean any premises designated by the county for the purpose of impounding, care, adoption, or euthanasia of animals held under authority of this chapter.

*At large* shall mean an animal running off the premises of the owner or keeper and not under the physical control of the owner or keeper by means of a leash or other similar restraining device, or an animal on its owner's premises but not under restraint. A dog properly within the enclosed boundaries of a dog park shall not be considered at large. For the purposes of this definition, a dog park shall mean an enclosed area, owned and/or operated by the county, any municipality, or private entity, designed, intended, and used for domestic dogs to play and exercise off-leash in a controlled environment under the supervision of their owners.

*Community Cat*, also call "free roaming cat", shall mean a domestic cat that lives outdoors full-time, has little or no human contact, is not well socialized to humans, and has no known owner. Pets, house cats which are outside periodically, and stray cats (lost or abandoned house pets) are specifically excluded from this definition.

*Dangerous or vicious animal* shall mean:

- (1) Any animal, which the owner knows or reasonably should know, has the propensity, tendency or disposition to attack, to cause injury to, or to otherwise endanger the safety of human beings or domestic animals; or
- (2) Any animal which attacks a human being or domestic animal one or more times without provocation, whether or not such attack occurs on the premises of the animal's owner; or
- (3) Any animal, which is not under restraint, and which commits unprovoked acts and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to a human being or domestic animal; or

(4) An animal owned, kept or harbored primarily, or in part, for the purpose of animal fighting or an animal which has been trained for animal fighting.

*Domestic* shall mean any animal which shares the genetic makeup and/or physical appearance of its ancestors which were historically domesticated for human companionship and service.

*Non-domestic* shall mean any animal which shares the genetic makeup and/or physical appearance of its ancestors which were not historically domesticated for human companionship and service.

*Nuisance* shall mean an animal that disturbs the rights of, threatens the safety of, or damages a member of the general public, or interferes with the ordinary use and enjoyment of their property or public property.

*Owner* shall mean any person who:

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

*Pet* shall mean a domestic dog (*canis familiaris*) and/or a domestic cat (*felis catus domesticus*).

*Provocation* shall mean any act done towards an animal that a reasonable person would expect to enrage such an animal to the extent that the animal would be likely to bite or attack, including, but not limited to, teasing, harassing, beating, torturing, injuring, or intentionally causing pain to an animal. Where an animal is attacked on its owner's property by another animal off its owner's property, the attack will be presumed unprovoked, absent clear evidence to the contrary. Provocation does not include any actions on the part of an individual that pertain to reasonable efforts of self-defense or defense of others.

*Shelter* shall mean any structure appropriately sized for the pet to stand or lie in a normal manner. The structure must have a roof, three sides, appropriate sized opening for the entry and exit and a floor so as to protect the pet from the elements of weather.

*Under restraint* shall mean an animal that is on the premises of its owner or keeper by means of a leash, fence or other similar restraining device, or is on the premises of its owner or keeper and accompanied by the owner/keeper, or an animal that is off the premises of its owner or keeper but is accompanied by its owner or keeper and is under the physical control of such owner or keeper by means of a leash or other similar restraining device.

*Wild or feral animal* shall mean any animal which is not naturally tame or gentle, and which is of a wild nature or disposition, and which is capable of killing, inflicting serious injury upon, or causing disease among, human beings or domestic animals and having known tendencies as a species to do so.

**Sec. 5-2. Differential county and commercial pet breeder licenses; license fees; rabies vaccination tags.**

(a) It shall be unlawful for the owner of any pet to fail to obtain for any pet over four (4) months of age, a current county pet license. The owner of any pet over four (4) months of age must also have a current rabies vaccination tag showing that such pet has been vaccinated by a licensed veterinarian. No license will be issued unless proof of inoculation is shown. Any pet owner who moves into the county for the purpose of establishing residency shall have thirty (30) business days in which to obtain the license.

(b) The annual license fees for fertile and sterilized pets shall be established and approved by the county council. Licenses will expire one (1) year after the date of issue, and owners will have until the end of the month of original issue to renew the licenses.

- (c) The Animal Care Department shall annually provide a sufficient number of durable tags suitable for pets, numbered from one (1) upwards, on which shall be stamped the year and the words "pet license." Such tags must be worn by all pets in the county at all times.
- (d) It shall be unlawful for a commercial pet breeder to fail to obtain a county commercial pet breeder license. The requirements for such a license are as follows:
- (1) Individuals engaged or intending to engage in breeding as a business, occupation, or profession must obtain a commercial pet breeder license from the Animal Care Department. Additionally, such breeders must obtain a separate business license through the County's Business Service Center.
  - (2) Applicants must have all pets that have reached the age of four (4) months, currently licensed with a county pet license, before applying for the commercial pet breeder license.
  - (3) The Animal Care Department, through its Animal Care Officers, shall conduct an inspection of the property for the license requested by the applicant to determine whether the applicant qualifies to hold a license pursuant to this section.
  - (4) During an inspection, an Animal Care Officer will be looking for the following:
    - a) The enclosure where the pets are being kept should be constructed in such a manner that any pets housed there will be adequately and comfortably kept in any season of the year.
    - b) The location of all pet enclosures should be in such a position so that they can be easily cleaned and sanitized. Any kennels or yards that are connected or are used to confine the pets must be kept clean and free from accumulations of feces, filth, mud and debris.
    - c) Every pet on the premises should have constant access to a clean and fresh water supply. All pets must also have an adequate amount of appropriate food to maintain each pet's normal condition of health.
    - d) The premises must be set up in such a manner as to not allow pets to stray beyond their enclosed confines. The setup must also prevent the public and stray animals from obtaining entrance into or gaining contact with any pets on the premises.
    - e) Every pet that has reached the age of four (4) months on the premises must have a valid pet license on file with Richland County.
  - (5) A license will not be issued to an applicant that has pled no contest, or has been found to have violated any federal, state, or local laws or regulations pertaining to animal cruelty within five (5) years of the date of application.
  - (6) License application should be made prior to any litter being delivered.
  - (7) A commercial pet breeder license is not transferrable to another person or location.
  - (8) The annual inspection fee for a county commercial pet breeder license shall be established and approved by county council. The license shall expire one (1) year after the date of issue.
  - (9) Any violations found under the provisions of this Chapter shall be grounds for the suspension of the commercial pet breeder license, if deemed necessary by the Animal Care Department. Re-instatement of such license shall be determined on a case by case basis. The commercial pet breeder license of any licensee whose license has been suspended shall remain inactive and all breeding shall cease until the license has been reinstated or a new license is issued.
  - (10) In addition to the inspection fee for the commercial pet breeder license, a pet breeder is required to adhere to the licensing requirements of the county pet license as set forth in subsections (a) and (b) of this section, so that there is a requirement of one (1) commercial pet breeder license per breeder in addition to one (1) county pet license per pet that has reached a minimum age of four (4) months and is still in the commercial pet breeder's custody.

**Sec. 5-3. Exemptions from differential licensing fees.**

(a) The following classifications of owners of pets shall be exempt from paying the higher license fee for fertile pets. These exempt persons shall be required to purchase a license for their pet and will pay the same license fee as required for sterilized pets:

- (1) Any owner of a pet who can furnish a statement from a licensed veterinarian that the pet, due to health reasons, could not withstand spay/neuter surgery;
  - (2) Any owner of one or more purebred pets who can furnish proof of participation in a nationally recognized conformation or performance event within the past twelve months;
  - (3) Any owner of a dog that is currently being used for hunting purposes and has properly been registered with a nationally recognized organization which sanctions hunting tests and/or field trials. Such registration must be accompanied by proper documentation that will be required to receive this exemption.
- (b) Any owner of a dog which is trained to be an assistance/service dog for its owner shall be required to obtain an annual license but shall not be required to pay any license fee.
- (c) The county Animal Care Department shall maintain the name and address of each party to whom a license and tag have been issued under the provisions of this chapter and shall keep the same on file in the offices of the department for the purpose of identification.

**Sec. 5-4. Community Cat Diversion Program**

(a) *Purpose.* It is the intent of this section to create a Community Cat Diversion Program ("Program") within Richland County in order to reduce cat overpopulation in an effective and humane way by using the Trap, Neuter, and Return (TNR) method.

(b) *Scope.* This section shall apply only to healthy free roaming and Community Cats. Well socialized, friendly, or abandoned house pets do not qualify for the Program as they depend on humans for survival. The Superintendent of Animal Services, or his/her designee, shall make the decision as to whether a cat qualifies for the Program.

(c) *Procedures.*

(1) Any Community Cat either trapped or seized by an animal care officer or turned into the animal care facility by a citizen shall be:

- i. Assessed by a veterinarian to determine the condition of health;
- ii. Spayed or neutered, as needed;
- iii. Vaccinated for rabies, feline viral rhinotracheitis, calicivirus, and panleukopenia; and;
- iv. Ear-tipped for identification.

(2) All cats entering the animal care facility shall be immediately assessed for Program qualification; those unqualified shall be processed in accordance with this chapter.

(3) Any Community Cat entering the Program shall be returned on the third day after spay/neutering or as soon as practicable thereafter to the area where it was trapped or seized. Any Community Cat which meets all the requirements in section (c)(1), above, that is trapped, seized, or brought to the animal care facility may be immediately returned to the same community, unless the property owner or caretaker requests the cat not be returned to that location.

(4) The county shall have no liability for cats in the Program.

(5) Community Cats are exempt from licensing and related fees.

**Sec. 5-5. Running at large – restraint.**

(a) All animals must be kept under restraint or confinement. Any animal not so restrained or confined will be deemed unlawfully running at large in the unincorporated area of the county. Provided, however, this subsection shall not apply to domestic cats that have been spayed or neutered or those cats in the Community Cat Diversion Program.

(b) Dogs that are participating in hunting events, obedience trials, conformation shows, tracking tests, herding trials, lure courses and other events similar in nature shall not be considered "at large."

(c) In the interest of public safety, if an Animal Care Officer witnesses an animal not under restraint, the officer may exercise the authority to pursue the animal(s) onto private property and/or into an enclosed fenced yard. This authority may only be exercised if it has been determined by the officer that the animal is clearly able to enter and exit from the premises unrestrained and presents an immediate threat of bodily harm to public safety such as, but not limited to: aggressively charging, attempting to bite, or displaying obvious unprovoked acts of aggression. Such pursuit shall end at such time as the animal is no longer at large and/or is under restraint. If an immediate threat to public safety is absent, then a search warrant must be executed in order to enter an enclosed fenced yard.

**Sec. 5-6. Removal of excrement.**

The owner of every animal shall be responsible for the removal of any excretions deposited by his or her animal on public walks and ways, recreation areas, or private property other than that of the owner.

**Sec. 5-7. Injured or diseased animals.**

Anyone striking a domestic animal with a motor vehicle or bicycle shall notify the county Animal Care Department who will then take action necessary to make proper disposition of the animal. Any domestic animal received by the animal care facility in critical condition from wounds, injuries, or disease may receive sustaining treatment by a licensed veterinarian until such time as the owner of the animal is contacted. Every effort possible shall be made to contact the owner or veterinarian of the animal via information obtained from its tag or microchip. Any such animal in critical condition, as described in this section, may be humanely destroyed if the owner or veterinarian of the animal cannot be contacted within two (2) hours. If the animal is in severe pain it may be destroyed immediately with agreement from a licensed veterinarian.

**Sec. 5-8. Nuisance animals.**

(a) It shall be unlawful for any person to own, keep, possess, or maintain an animal in such a manner so as to constitute a nuisance. By way of example, and not of limitation, the following acts or actions by an owner or possessor of any animal are hereby declared to be a nuisance and are, therefore, unlawful:

(1) Failure to exercise sufficient restraint necessary to control an animal as required by Section 5-5;

(2) Allowing or permitting an animal to damage the property of anyone other than its owner, including, but not limited to, turning over garbage containers or damaging gardens, flowers, or vegetables;

(3) Failure to maintain a dangerous animal in a manner other than that which is described as lawful in Section 5-416(c);

(4) Maintaining animals in an environment of unsanitary conditions which results in offensive odors or is dangerous to the animal or to the public health, welfare or safety;

(5) Maintaining his or her property in a manner that is offensive, annoying, or dangerous to the public health, safety, or welfare of the community because of the number, type, variety, density, or location of the animals on the property;

(6) Allowing or permitting an animal to bark, whine, or howl in an excessive, unwarranted, and continuous or untimely fashion, or make other noise in such a manner so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises;

(7) Maintaining an animal that is diseased and dangerous to the public health;

(8) Maintaining an animal that habitually or repeatedly chases, snaps at, attacks, or barks at pedestrians, bicycles, or vehicles.

(b) An animal that has been determined to be a nuisance by the Animal Care Department may be impounded and may not be returned to the owner until said owner can produce evidence to demonstrate that the situation creating the nuisance has been abated.

(c) Every female animal in heat shall be kept confined in a building or secure enclosure in such a manner as will not create a nuisance by attracting other animals.

**Sec. 5-9. Animal care, generally.**

(a) It shall be unlawful for an owner to fail to provide his or her animal(s) with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment.

(b) It shall be unlawful for a person to beat, cruelly treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight or other combat between animals or between animals and humans.

(c) It shall be unlawful for a person to dye or color artificially any animal or fowl, including but not limited to rabbits, baby chickens, and ducklings, or to bring any dyed or colored animal or fowl into the county.

(d) It shall be unlawful for any owner to abandon an animal in the unincorporated area of the county.

**Sec. 5-10. Sale of animals.**

(a) No person shall sell, trade, barter, auction, lease, rent, give away, or display for commercial purpose, any animal, on any roadside, public right-of-way, public property, commercial parking lot or sidewalk, or at any flea market, fair or carnival. Licensed pet shops, commercial kennels, municipal and/or county animal care facilities, and licensed pet rescue organizations are exempt from the requirements of this subsection (a).

(b) No person shall offer an animal as an inducement to purchase a product, commodity or service.

(c) No person shall sell, offer for sale or give away any pet under eight (8) weeks of age, except as surrender to a municipal and/or county animal care facility or to a licensed pet rescue organization.

**Sec. 5-11. Care of animals during transport.**

During transportation, an animal must be provided adequate space and ventilation, and must not be confined in one area for more than twenty-four (24) consecutive hours without being adequately exercised, rested, fed, and watered.

**Sec. 5-12. Seizure and right of entry to protect abandoned, neglected, or cruelly treated animals.**

(a) If the owner does not give permission, the Animal Care Officer may obtain a search warrant to enter any premises upon which it is suspected a violation of this chapter exists. Once upon the premises, the officer may examine such animal and may take immediate custody of the animal when, in his or her opinion, it requires removal from the premises for the immediate protection of



the animal or the public, and shall issue a uniform ordinance summons to the owner. If an Animal Care Officer witnesses an animal in distress and in need of immediate medical attention, the officer may exercise the authority to enter onto private property (yard only) and/or into an enclosed fenced yard to seize the animal. If the animal is not in need of immediate medical care, then a search warrant must be executed in order to enter onto private property (yard only) and/or into an enclosed fenced yard. The Animal Care Officer shall thereafter petition the appropriate magistrate for a hearing, which shall be a civil proceeding. The hearing shall be set not more than ten (10) business days from the date of the seizure of the animal to determine whether the owner, if known, is able to adequately provide for the animal and is a fit person to own the animal until final disposition of the uniform ordinance summons (criminal proceeding). The Animal Care Officer shall cause to be served upon the owner, if known and residing within the jurisdiction wherein the animal is found, written notice at least five (5) business days prior to the hearing of the time and place of the hearing. If the owner is not known or cannot be found within the jurisdiction wherein the animal was found, the Animal Care Officer shall post a copy of the notice at the property where the animal was seized. The pet or animal shall remain in the custody and care of the Animal Care Department until conclusion of the civil hearing before the magistrate. During or after the final uniform ordinance summons proceeding, the magistrate shall make the final determination as to whether the animal is returned to the owner or whether title is transferred to the Animal Care Department whereby the animal may be put up for adoption or humanely destroyed. The court, in either proceeding, in determining whether the owner is able to adequately provide for the animal or is a fit person to own the animal, may take into consideration, among other things, the owner's past record of convictions under this chapter, or one similar thereto, and the owner's mental and physical condition.

If the magistrate, after conclusion of either the civil or criminal proceeding, orders the return of the animal to its owner, the animal care facility shall release the animal upon receipt from the owner of all redemption fees as described in Section 5-14, below. If the owner does not pay the redemption fees within five (5) business days of the magistrate's order of final disposition of the animal after conclusion of the criminal proceeding, the animal shall become the property of the Animal Care Department, shall not be released to the owner, and may be placed for adoption or euthanized.

(b) Nothing in this section shall be construed to prohibit the euthanization of a critically injured or ill animal for humane purposes at any time after the initial seizure of the animal.

### **Sec. 5-13. Impounding; surrender.**

(a) Any animal found within the unincorporated area of the county in violation of the provisions of this chapter may be caught and impounded by county authorities. If an animal cannot be caught in a safe, efficient manner, animal care personnel may tranquilize the animal by use of a tranquilizer gun. The Animal Care Department may, thereafter, make available for adoption or humanely destroy impounded animals which are not positively identifiable and not redeemed within five (5) business days. Except as provided in subsection (f), below, animals impounded at the animal care facility, which are deemed by the Superintendent of Animal Services, or his/her designee, in agreement with a licensed veterinarian, to constitute a danger to other animals or persons at the facility, or which are infectious to other animals, in pain or near death, may be humanely destroyed immediately.

(b) When a person arrested is, at the time of the arrest, in charge of an animal, the county Animal Care Department may take charge of the animal and deposit the animal in a safe place of custody or impound the animal at its animal care facility.

(c) The county may transfer title of all animals held at its animal care facility after the legal detention period has expired and its owner has not claimed the animal.

(d) A positively identifiable animal is one which bears or wears a legible and traceable current permanent number, county license tag or rabies vaccination tag pursuant to Section 5-2; or traceable number, tattoo or microchip pursuant to S.C. Code § 47-3-510 (Supp.1999).

The owner of a positively identifiable impounded animal shall be notified at the owner's last known address by registered mail if attempts by telephone are not successful. The owner has fourteen (14) business days from the date of mailing to redeem the animal from the animal care facility. Redemption costs will include the cost of mailing, plus any established costs, fines, fees or other charges. If the owner does not redeem the animal within fourteen (14) business days of the date of the mailing, the animal will be deemed abandoned and become the property of the animal care facility. For animals impounded at the animal care facility, the Superintendent of Animal Services, or his/her designee in agreement with a licensed veterinarian, shall either place the animal for adoption or have the animal humanely destroyed, pursuant to S. C. Code § 47-3-540 (Supp. 1999).

Notwithstanding the above and except as provided in subsection (f), below, positively identifiable animals impounded at the animal care facility, which are deemed by the Superintendent of Animal Services, or his/her designee, in agreement with a licensed veterinarian to constitute a danger to other animals or persons at the facility, or which are infectious to other animals, in pain or near death, may be humanely destroyed at any time.

(e) Any animal found "at large" may be impounded by the Animal Care Officer and may not be redeemed by its owner unless such redemption is authorized by the county Animal Care Department, with assurance from the owner that proper care and custody will be maintained.

(f) Any animal that has been determined by the Animal Care Department to be a dangerous or vicious animal, and is not properly confined as described in Section 5-16(c), below, or is otherwise in violation of this chapter, may be impounded by the Animal Care Department. Such animals shall not be euthanized unless the owner has surrendered the animal to the animal care facility and has completed and signed a surrender form or until a final uniform ordinance summons proceeding (criminal proceeding) is held before an appropriate magistrate and the magistrate has determined that the animal should be euthanized.

If the owner does not give permission, the Animal Care Officer may obtain a search warrant to enter any premises upon which it is suspected a violation of this chapter exists. Once upon the premises, the officer may examine such animal and may take immediate custody of the animal when, in his or her opinion, it requires removal from the premises for the immediate protection of the animal or the public, and shall issue a uniform ordinance summons to the owner. The Animal Care Officer shall thereafter petition the appropriate magistrate for a hearing, which shall be a civil proceeding. The hearing shall be set not more than ten (10) business days from the date of the seizure of the animal to determine whether the owner, if known, is able to adequately provide for the animal, adequately confine the animal as defined in Section 5-16 (c), and is a fit person to own the animal until final disposition of the uniform ordinance summons (criminal proceeding). The Animal Care Officer shall cause to be served upon the owner, if known and residing within the jurisdiction wherein the animal is found, written notice at least five (5) business days prior to the hearing of the time and place of the hearing. If the owner is not known or cannot be found within the jurisdiction wherein the animal was found, the Animal Care Officer shall post a copy of the notice at the property where the animal was seized. The pet or animal shall remain in the custody and care of the Animal Care Department until conclusion of the civil hearing before the magistrate. During or after the final uniform ordinance summons proceeding, the magistrate shall make the final determination as to whether the animal is returned to the owner or whether title is transferred to the Animal Care Department whereby the animal may be put up for adoption or humanely destroyed. The court, in either proceeding, in determining whether the owner is able to adequately provide for the animal, adequately confine the animal as defined in Section 5-16 (c), or is a fit person to own the animal, may take into consideration, among other things, the owner's past record of convictions under this chapter, or one similar thereto, and the owner's mental and physical condition.

If the magistrate, after conclusion of either the civil or criminal proceeding, orders the return of the animal to its owner, the animal care facility shall release the animal upon receipt from the owner of all redemption fees as described in Section 5-14, below. If the owner does not pay the redemption fees within five (5) business days of the magistrate's order of final disposition of the animal after

conclusion of the criminal proceeding, the animal shall become the property of the Animal Care Department, shall not be released to the owner, and may be placed for adoption or euthanized.

Nothing in this subsection (f) shall be construed to prohibit the euthanization of a critically injured or ill animal for humane purposes at any time after impoundment of the animal.

(g) Any animal surrendered to the animal care facility may be adopted or euthanized at any time provided there is a completed and signed surrender form on file for the animal concerned.

(h) It shall be unlawful for any person to furnish false information on the animal surrender form.

#### **Sec. 5-14. Redemption.**

(a) The owner or keeper of any animal that has been impounded under the provisions of this chapter, and which has not been determined by the Animal Care Department to be dangerous or vicious, shall have the right to redeem such pet at any time within the legal detention period outlined in Section 5-13 upon payment of all fees established and required by the Animal Care Facility. No pet will be released without proof of inoculation and without an implanted microchip.

(b) No fertile pet shall be redeemed unless one of the exceptions Section 5-3(a) has been met. The requirement that a pet must be spayed or neutered before being redeemed shall not be waived pursuant to the exceptions in Section 5-3 (a) if the animal has been impounded more than once for a violation of this chapter. In such instances, the pet shall be spayed or neutered by the animal care facility and the costs of such shall be added to all other required redemption fees.

(c) The fees set out in this section shall be doubled for any pet impounded twice or more within the same 12-month period.

#### **Sec. 5-15. Adoption.**

(a) Any animal impounded under the provisions of this chapter may, at the end of the legal detention period, be adopted provided the new owner will agree to comply with the provisions contained herein.

(b) Any pet surrendered to the Animal Care Department or animal care facility may be adopted at any time provided there is a completed and signed surrender form on file for the animal concerned.

(c) Those individuals adopting puppies or kittens too young to be neutered or spayed or receive rabies inoculations will pay the cost of these procedures at the time of adoption and be given an appointment for a later time to have these procedures accomplished. In the event the animal is deceased prior to the appointment date, the applicable portion of the adoption fee will be returned.

#### **Sec. 5-16. Prohibited; exceptions.**

(a) Except as provided in subsection 5-16 (d), it shall be unlawful for any person to sell, own, keep, harbor, or act as custodian of a:

1. Nondomestic member of the family felidae;
2. Wolf-dog hybrid containing any percentage of wolf;
3. Badger, wolverine, weasel, skunk and mink;
4. Raccoon;
5. Bear;
6. Nonhuman primate to include ape, monkey, baboon, macaque, lemur, marmoset, tamarin and other species of the order primates;
7. Bat;

8. Alligator, crocodile and caiman;
9. Scorpion;
10. Constricting snake of the following species: reticulated python, python reticulatus; Burmese/Indian rock python, python molurus; rock python, python sebae, and anaconda, eunectes murinus;
11. Venomous reptile;
12. Any snake or other animal where the animal's behavior, size, temperament, breed, or capacity for inflicting serious injury is or may be detrimental to the safety and welfare of citizens in the immediate surrounding area;
13. Any lizard over two feet which is a member of the family varanidae;
14. Any non-domesticated member of the order Carnivora;
15. Any wild or feral animal; or
16. Any animal of mixed domestication and feral lineage.

(b) It shall be lawful for any person to own, keep, harbor, act as custodian of any snake not listed in subsection 5-16(a); provided, however, it shall be unlawful to expose such snake to public view or contact, or exhibit either gratuitously or for a fee, within the unincorporated areas of the county on public or private property, except as provided in subsection 5-16(d).

(c) It shall be unlawful for a person owning or harboring or having the care or the custody of a dangerous or vicious animal to permit the animal to go unconfined. A dangerous or vicious animal is unconfined as the term is used in this section if the animal is not securely confined indoors or confined in a securely enclosed and locked pen or "run" area upon the person's premises. The pen or run area also must have either: 1) sides six (6) feet high, or 2) a secure top. If the pen or structure has no bottom secured to the sides, the sides must be imbedded into the ground at a depth of no less than one (1) foot. However, the provisions of this subsection shall not apply to any animal that is owned by a licensed security company and is on patrol in a confined area.

(d) The prohibition contained in subsections (a), and (b) above, shall not apply in the following circumstances:

- (1) The keeping of such animals in a public zoo, bona fide education or medical institution, humane society, or museum where they are kept as live specimens for the public to view, or for the purpose of instruction, research or study;
- (2) The keeping of such animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit or show, properly licensed and permitted by state and local law;
- (3) The keeping of such animals in a bona fide, licensed veterinary hospital for treatment;
- (4) The keeping of such animals by a wildlife rescue organization with appropriate permits from any state or local regulatory body.

**Sec. 5-17. Interference with animal care officers.**

It shall be unlawful for any person to interfere with, hinder, or molest an Animal Care Officer in the performance of his or her duty or seek to release any animal in the custody of an Animal Care Officer without such officer's consent.

**Sec. 5-18. Complainant's identification to remain confidential.**

The identity, or information tending to reveal the identity, of any individual who in good faith makes a complaint or otherwise discloses information, which alleges a violation of this chapter, shall remain confidential unless the complainant authorizes the release of his or her identity.

**Sec. 5-19. Penalties.**

(a) Any person who violates the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both. Each day's continuing violation shall constitute a separate and distinct offense.

(b) The owner or person having charge or custody of an animal cruelly used who is convicted of any violation of this chapter forfeits ownership, charge, or custody of the animal and at the discretion of the court, the person who is charged with or convicted of a violation of this chapter must be ordered to pay costs incurred to care for the animal and related expenses.

SECTION II. Severability. If any section, subsection, or clause of this ordinance shall be deemed unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION III. Conflicting Ordinances. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION IV. Effective Date. This ordinance shall be effective from and after May 2, 2017.

RICHLAND COUNTY COUNCIL

BY: Joyce Dickerson  
Joyce Dickerson, Chair

ATTEST THIS THE 16 DAY

OF May, 2017.

Michelle Onley  
Michelle Onley  
Deputy Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

Robert Logan  
Approved As To LEGAL Form Only  
No Opinion Rendered As To Content

First Reading: April 4, 2017  
Second Reading: April 18, 2017  
Public Hearing: May 2, 2017  
Third Reading: May 2, 2017