

STATE OF SOUTH CAROLINA)
)
COUNTY OF ABBEVILLE)

ORDINANCE NO.: 2013-18

**AN ORDINANCE TO AMEND AND RESTATE ORDINANCE NUMBER NO. 93-1
RELATED TO ANIMAL CONTROL**

WHEREAS, several sections of the Animal Control Ordinance are in need of amendment.

NOW, THEREFORE, BE IT ORDAINED in County Council meeting duly assembled Ordinance No. 93-1 is amended and completely restated to read as follows:

ARTICLE ONE

Section I: Definitions.

For the purpose of this ordinance, the following words, terms or phrases shall have the meaning given herein:

Animal Shelter – shall include any premises designated by the county governing body for the purpose of impounding, care or destruction of animals held under authority of this article;

Animal – shall include one or more domestic animals of any kind and one or more domestic fowls, any species;

An animal shall be deemed to be “running at large” if 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.

An animal shall be deemed to be “under restraint” if on the premises of its owner or keeper or if accompanied by its owner or keeper and under the physical control of such owner or keeper by means of a leash or other similar restraining device.

A “vicious dog” shall be deemed to mean any dog evidencing an abnormal inclination to attack persons or animals without provocation.

Section II: Ownership.

An owner is any person who (a) has a right of property in an animal, (b) keeps or harbors an animal or who has it in his care or acts as its custodian, or (c) permits an animal to remain on or about any premises occupied by him.

Section III: Enforcement of Ordinance.

The sheriff is authorized to employ such personnel and provide such equipment as are, in his opinion, necessary to properly enforce the provisions of this ordinance.

Section IV: Sheriff's Powers and Duties.

The Sheriff's Department shall have the power to enforce this County ordinance, cooperate with the Health Department in quarantining animals, and carry out the duties and assume the responsibilities of this ordinance. The County Magistrates are authorized and instructed to assist the Sheriff's Department.

Section V: Unlawful Actions.

- a) It shall be unlawful for any animal owner or other person with custody and control of an animal to allow their animal under their custody and control to run at large off property owned, rented or controlled by such person within any of that portion of the unincorporated areas of Abbeville County to which the Abbeville County Zoning Ordinance is applicable.
- b) It shall be unlawful in the County for any animal owner or person with custody and control of such animal to allow a female animal to run at large during estrus or the heat period.
- c) It shall be unlawful to own or keep a vicious dog within the confines of the county unless such vicious dog be securely muzzled or unless under restraint by a fence, chain, leash or other means, so that such dog cannot reach persons not on land owned, leased or controlled by him.
- d) It shall be unlawful for any person to abandon any animal in the county.
- e) It shall be unlawful for any person to take or remove or attempt to rescue, seize or deliver an animal from the custody and control of a peace officer when any such animal shall have been seized under the provisions of this ordinance and such conduct shall be deemed to be interfering with a police officer in the performance of his duty and shall be punishable as provided by the law for such offense.

Section VI: Responsibility for Damage and Injury.

Whenever any animal shall go upon lands other than those leased, occupied or controlled by his owner or keeper and cause property damage or personal injury thereon, such animal may be seized by the Sheriff or his deputy at the request or complaint of the freeholder, his tenant, agent or representative of the land upon which the personal injury or damage was caused and the owner of such trespassing animal shall be liable for all damages sustained and for the expenses of seizure and maintenance as herein provided. Such damages and expenses shall be recoverable by appropriate action in any court of

competent jurisdiction and a lien shall exist upon any such trespassing animal in favor of any injured person for such damages to persons or property and for all expenses incurred including reasonable attorney's fees which the lien shall have preference over all other liens, claims or encumbrances upon such animal.

Section VII: Abandoned Animals.

No person shall abandon any animal in Abbeville County.

Section VIII: Animal Care.

No owner shall fail to provide their animals with sufficient food, water, proper shelter, protection from the weather, humane care and treatment. No person shall cause or instigate any animal fight, cock fight or other combat between animals.

Section IX: Stray Pets.

Stray pets may be delivered to the animal shelter at no charge to persons making such delivery. Except as otherwise provided herein, animal shelter and animal control personnel shall make an effort to locate the owners of pets before making disposition and shall have authority to seize all stray pets and take such pets to a designated animal shelter. Any person on whose property a stray pet is found may seize the pet and deliver it to the animal shelter for impoundment.

Section X: Period of Impoundment and Disposition of Animals.

Any animal impounded by Abbeville County shall be detained for a period of three (3) working days for redemption by its owner. If the owner is known, the animal shall be detained for the three (3) additional working days after the owner is notified. The animal owner shall be responsible for payment of board bill, rabies inoculation fee, if needed, and county pound fee charged to the county. If the animal is not redeemed by its owner in that period, it may be offered for adoption or disposed of humanely. If an animal has no rabies tag attached to its collar, it may be disposed of humanely if the owner is not known and the animal is unclaimed for three (3) working days. Abbeville County shall not be held liable for accidents, disease, or treatment of animals while confined in Abbeville County pound and shall be released of all responsibilities to new owner or former owner when a pet is adopted or disposed of humanely as specified above.

Section XI: Wounded or Diseased Animals.

An animal that is wounded or diseased or in great pain, in the judgment of the animal control officer or animal shelter personnel, may be humanely destroyed immediately.

Section XII: Dead Animals.

The owner of any animal which dies shall immediately provide for its burial or cremation if the owner knows of its death and the location of its remains. If the owner fails to do so within three hours after notice, the Sheriff's Department shall arrange for the disposal and the owner shall be required to pay the costs thereof.

Section XIII. Penalty.

Any person violating any provision of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction, shall be sentenced by the Court to pay a fine not exceeding two hundred dollars (\$200.00) or imprisoned for a term not to exceed thirty (30) days at the discretion of the Magistrate. If any violation be continuing, each day's violation shall be deemed a separate violation.

Section XIV: Statutes at Large.

This ordinance is written with the intent to further provide for animal control. It shall not, in any way, be construed to conflict with any state law or municipal ordinance, but is intended to extend and further provide for animal control not provided by state law.

ARTICLE TWO. RABIES CONTROL

Section XV: Definitions.

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

- (1) The term "pet" shall mean only domesticated species of carnivores.
- (2) The term "owner" shall mean and include any person who (a) has a right of property in a pet, (b) keeps or harbors a pet or who has it in his care or acts as its custodian, or (c) permits a pet to remain on or about any premises occupied by him.
- (3) The term "rabies immunization" shall mean the injection, subcutaneously, intramuscularly or otherwise, of antirabic vaccine as approved by the Department of Health and Environmental Control and by the United States Department of Agriculture—Veterinary Biologics Division.
- (4) The term "animal control officer" shall mean the person designated by the Sheriff's Department to enforce this article.

Section XVI: Inoculation; certificate; tags.

- (a) No person shall own, keep, or harbor any pet within the county for longer than sixty (60) days unless such pet has been inoculated against rabies as provided in this section.
- (b) Every owner of a pet will have his pet inoculated against rabies each year.
- (c) A state board of health certificate of pet rabies vaccination will be issued by a licensed graduate veterinarian for each pet stating the name and address of the owner, the name, breed, color and markings, age, sex of the animal, and the veterinary or pharmaceutical control number of the vaccination.
- (d) Coincident with the issuance of the certificate, the licensed graduate veterinarian shall also furnish a serially numbered metal license tag bearing the same number and year as the certificate. The metal license tag shall bear the name of the veterinarian who administered the vaccination and shall at all times be attached to a collar or harness worn by the pet for which the certificate and tag has been issued.
- (e) The owner shall have a valid certificate of rabies immunization readily available for inspection by competent authority at all times.
- (f) In the event that a rabies tag is lost, the owner will obtain a duplicate tag without delay.
- (g) If there is a change in ownership of a pet during the valid period of immunization, the new owner may have the current certificate of immunization transferred to his name.
- (h) A certificate of rabies immunization issued by a licensed veterinarian from another state will be accepted as valid evidence provided it is less than a year old.
- (i) It shall be unlawful for any owner of any pet which has not been inoculated as required by this division to allow it to run at-large.

Section XVII: Owners, Etc. Required to Notify Authorities of Suspected Rabid Animals.

Whenever a pet or another animal is affected by rabies or suspected of being affected by rabies or has been bitten by an animal known or suspected to be affected by rabies, the owner of the animal or any person having knowledge thereof shall forthwith notify the Sheriff's Department and the county health department stating precisely where the animal may be found.

Section XVIII: Sheriff's Department to Arrange for Confinement of Animal Which Has Bitten a Person.

The Sheriff's Department, in conjunction with the county health department, shall arrange for the supervised confinement of any pet or other animal which has bitten a person. Such confinement may be on the premises of the owner, if the owner will sign an agreement assuming total responsibility for the safe confinement of the pet or other animal. Confinement may be at the county animal shelter, a private animal shelter, veterinary hospital, or humane society shelter at the owner's option and expense.

Section XIX: Required Period of Confinement of Animal Which Has Bitten a Person; Examination during Confinement.

Any pet or other animal which has bitten a person must be confined for a period of at least ten (10) days. The county health department or the Sheriff's Department will be permitted by the owner of such pet or animal to examine the animal at any time, and daily if desired, within the ten (10) day period of confinement to determine whether such animal shows symptoms of rabies. No person shall obstruct or interfere with the Sheriff's Department or the county health department in making such examination.

Section XX: Notice to Owner of Animal, other than Dog or Cat, which Has Attacked or Bitten a Person.

In the case of a pet other than a dog or cat, which has attacked or bitten a person, the county health department shall serve notice upon the owner of such pet that the owner shall have the animal euthanized immediately and have the brain submitted for rabies examination.

Section XXI: Confinement of Animals Bitten by Known or Suspected Rabid Animals.

The county health department shall serve notice in writing upon the owner of a pet or other animal known to have been bitten by an animal known or suspected of being affected by rabies requiring the owner to confine such animal for a period of not less than six (6) months; except that, animals properly treated with anti-rabic vaccine shall be confined for a period of not less than three (3) months.

Section XXII: Killing or Removing from Jurisdiction Suspected Rabid Animals Prohibited; Exception

No person shall kill, or cause to be killed, any rabid pet or other animal, or one suspected of having been exposed to rabies or which has bitten a person, nor remove such pet or animal from the jurisdiction of the county without written permission of the county health department. An exception to the preceding requirement is in the event of the possibility of the animal's escape or additional biting in which case the animal is to be killed and the county health department notified immediately.

Section XXIII: Penalty

Any person violating any provision of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction, shall be sentenced by the Court to pay a fine not exceeding two hundred dollars (\$200.00) or imprisoned for a term not to exceed thirty (30) days at the discretion of the Magistrate. If any violation be continuing, each day's violation shall be deemed a separate violation.

ARTICLE THREE. DANGEROUS DOGS

Section XXIV: "Dangerous Dog" Defined.

As used in this article, "dangerous dog" means and includes:

- (1) a dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or to otherwise endanger the safety of human beings or domestic animals;
- (2) a dog which attacks a human being or domestic animal without provocation;
- (3) a dog owned or harbored primarily or in part for the purpose of dog fighting or a dog trained for dog fighting.

Section XXV: Dangerous Dog Not to Go Unconfined on Premises; "Unconfined" Defined; Exception.

No person owning or harboring or having the care or the custody of a dangerous dog may permit the dog to go unconfined on his premises. A dangerous dog is "unconfined" as the term is used in this section if the dog is not securely confined indoors or confined in a securely enclosed and locked pen or a dog-run area upon the person's premises. The pen or dog-run area must have either sides six 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 foot. However, the provisions of this section shall not apply to any dog that is owned by a licensed security company and is on patrol in a confined area.

Section XXVI: Dangerous Dog off Premises to Be Muzzled and Chained.

No person owning or harboring or having the care of a dangerous dog may permit the dog to go beyond his premises unless the dog is securely muzzled and restrained with a chain having a minimum tensile strength of three hundred pounds and not exceeding three feet in length.

Section XXVII: Owning or Harboring Dog for Fighting or Attacking Humans or Domestic Animals Prohibited; Selling, Breeding, Buying or Attempting to Buy, or Intent to Do Same, Prohibited.

- (A) No person may own or harbor a dog for the purpose of dog fighting, or train, torment, badger, bait, or use a dog for the purpose of causing or encouraging the dog to unprovoked attacks upon human beings or domestic animals.
- (B) No person may possess with intent to sell, offer for sale, breed, or buy or attempt to buy a dangerous dog.

Section XXVIII: Seizure and Impoundment of Dangerous Dogs.

- (A) In the event a law enforcement agent has probable cause to believe that a dangerous dog is being harbored or cared for in violation of this ordinance, or Section 47-3-720 or 47-3-740 of the South Carolina Code of Laws, or any other law, he may petition the magistrate having jurisdiction to order the seizure and impoundment of the dangerous dog while the trial is pending.
- (B) In the event a law enforcement agent has probable cause to believe that a dangerous dog is being harbored or housed in violation of this ordinance, or Section 47-3-730 of the South Carolina Code of Laws, or any other law, he may seize and impound the dangerous dog while the trial is pending.

Section XXIX. Penalties.

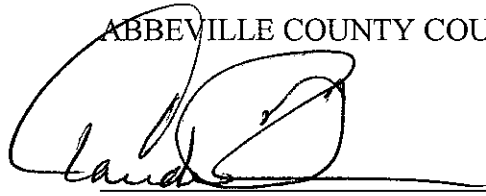
- (A) Whoever violates this article is guilty of a misdemeanor and upon conviction, for a first offense, must be fined not more than two hundred dollars (\$200) or imprisoned for not more than thirty (30) days and, upon conviction of a second or subsequent offense, must be fined one thousand dollars (\$1,000) none of which may be suspended or remitted.
- (B) A dangerous dog which attacks a human being or another domestic animal may be ordered destroyed when in the court's judgment the dangerous dog represents a continuing threat of serious harm to human beings or other domestic animals.
- (C) Any person found guilty of violating this article shall pay all expenses, including shelter, food, veterinary expenses for boarding and veterinary expenses necessitated by the seizure of any dog for the protection of the public, and other expenses as may be required for the destruction of the dog. Furthermore, anyone found guilty of violating this article shall pay any medical expenses incurred by the victim as a result of an attack by a dangerous dog.
- (D) All violations of this article are within the magistrate's jurisdiction.

- (A) A person is lawfully upon the premises of the owner within the meaning of this article when he is on the premises in the performance of any duty imposed upon him by the laws of this State, by the laws or postal regulations of the United States, when he is on the premises upon invitation, expressed or implied, of the owner, or when he is in the performance of a duty relative to public safety, which includes policemen, firemen, or other authorized personnel. A person has the right to ingress to and egress from the premises for any purpose connected with the performance of the public safety duty.
- (B) A person who is lawfully on the owner's premises and who is attacked by a dangerous dog or witnesses the attack may use reasonable force to repel the attack. A person is not liable in damages or otherwise for action to repel or any action taken to restrain or control a dog from an unprovoked attack.

Section XXXI: Time Effective. This ordinance shall become effective on the date of third reading by the Abbeville County Council.

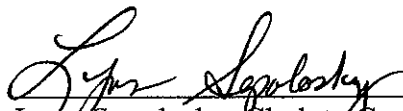
Dated this 13 day of January, 2014

ABBEVILLE COUNTY COUNCIL



Claude Thomas, Chairman

ATTEST


Lynn Sopolosky, Clerk to Council