



Chapter 6 – ANIMALS

ARTICLE I. – IN GENERAL

Sec. 6-1. - Definitions.

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

Abandon: To forsake, give up or desert any animal previously under the ownership, possession or custody of a person without having secured another owner, caretaker or custodian or by failing to make reasonable arrangements for adequate care for a period of forty-eight (48) or more consecutive hours.

Animal: Includes one or more domestic animals or livestock of any species.

Animal Services Director: A person employed by the county who is responsible for the management of the animal care and control program including enforcement of the county and state laws pertaining to animal and rabies control, and the supervision of all employees in the animal services department. The Animal Services Director shall serve as the Chief Animal Control Officer under the supervision of the County Director.

Animal Control Officer: A person or persons employed by the county who is authorized to investigate and enforce matters and provisions related to this chapter or other duties or functions as prescribed by the Animal Services Director.

Animal shelter: A facility designated and recognized by the county for the purpose of impounding and caring for domestic animals.

Community Cat: An un-owned, free-roaming cat that is cared for by one more persons residing or working in the immediate area. A community cat may or may not be socialized to human contact.

Dangerous Dogs: refer to ARTICLE III – Dangerous Dogs

Livestock: All animals of the equine, bovine, fowl, or swine class, including goats, sheep, horses, mules, hogs, cattle, ostriches, chickens, poultry, or other grazing animals.

Rabies immunization shall mean the injection, subcutaneously, intramuscularly or otherwise, of anti-rabic vaccine as approved by the Department of Health and Environmental Control and by the United States Department of Agriculture—Veterinary Biologics Division, and administered by a licensed veterinarian.

Return-to-Field (RTF) refers to a program conducted by Animal Services for the purpose of sterilizing, vaccinating, ear-tipping and returning to its original location any un-owned, healthy, free-roaming cat who has been impounded at the animal shelter.

Running at large means an animal 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.

Trap-Neuter-Return (TNR) is defined as the process of humanely trapping, sterilizing, vaccinating, ear-tipping, and returning community cats to their original location.

Sec. 6-2. - Ownership.

An owner is any person who:

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

Sec. 6-3. - Enforcement of article.

The animal services department, or any law enforcement agency, is authorized to employ such personnel and provide such equipment as necessary to properly enforce the provisions of this chapter.

Sec. 6-4. - Powers and duties.

Officers of the Abbeville County Animal Services department, or any law enforcement agency, shall have the power to enforce the county ordinance from which this chapter is derived, cooperate with the health department in quarantining animals, and carry out the duties and assume the responsibilities of this chapter. The county magistrates are authorized and instructed to assist the animal services department as needed.

Sec. 6-5. - Unlawful actions & Interference with Animal Control Officer

(a) It shall be unlawful for any animal owner or other person with custody and control of an animal to allow their animal to run at large off property owned, rented or controlled by such person including streets, rights-of-way and highways of unincorporated Abbeville County with the exception of parks specifically designated as off-leash areas.

(b) It shall be unlawful for any person to abandon any animal in the county.

(c) It shall be unlawful for any person to obstruct or otherwise interfere with the lawful impoundment of any animal in accordance with this chapter, local or state rabies law or other relevant state statutes. It shall be unlawful for any person to release or attempt to release any animal that has been impounded or captured for the purpose of impoundment including animals that are captured by a humane trap operated by animal services.

It shall be unlawful to interfere with, obstruct or otherwise hinder an animal control officer, law enforcement officer or any lawful agent of the county from performing their duties in relation to the provisions of this chapter.

Sec. 6-6. – Nuisance Animals

The actions of any animal may be classified as a public nuisance under the section when it disturbs the peace, threatens the safety, damages or injures a member of the general public, or otherwise interferes with the regular use and enjoyment of a person's property or property and areas designated for public use. It shall be unlawful to possess, own, keep or maintain an animal in such a manner as to constitute or allow it to become a public nuisance. In addition, the following acts or actions by an owner of any animal are hereby declared to be a public nuisance under this section and shall be unlawful:

(1) Failure to provide consistent restraint necessary to control an animal as required by the provisions of this chapter.

(2) Allowing or permitting an animal to damage the property of anyone other than its owner, including garbage containers, vegetation, or personal property.

(3) Maintaining animals in unsanitary conditions which result in offensive odors or may be hazardous to the health or safety of the animal or detrimental to the health, safety or welfare of the public.

(4) Allowing or permitting an animal to bark, whine, howl, yowl, crow, or cackle continuously for twenty minutes or longer, or to make other noises in such a manner as to interfere with the reasonable use or enjoyment of adjoining or nearby properties.

- (5) Maintaining or keeping an animal that is diseased and may be classified as a public health risk.
- (6) Keeping an animal that repeatedly chases, accosts, harasses, attacks or interferes with the use of public right-of-way by pedestrians, bicyclists, or motorists.
- (7) Failing to confine or control a female pet in heat in such a manner as to prevent a public nuisance by attracting other animals.

Sec. 6-7. - Abandoned animals.

- (a) It shall be unlawful to anyone to knowingly abandon any domestic animal or livestock within the boundaries of the county. Any person who knowingly abandons, or otherwise permits or participates in the abandonment of a domestic animal or livestock shall be in violation of this chapter.
- (b) *Exemptions:* Animal Control Officers, Community Cat Caregivers, or any authorized agent participating in a trap-neuter-return (TNR) or return-to-field (RTF) program under the direction of, or with the knowledge of the Animal Services Director, shall be exempt from this section.

Sec. 6-8. - Animal care, generally.

It shall be unlawful for any person owning, harboring, keeping or otherwise in possession or control of any animal to fail to provide any or all of the following requirements:

- (a) **Adequate Care:** Normal and prudent attention to the socialization and health needs of an animal, including care specific to the needs of an individual breed or species.
- (b) **Adequate Food:** Wholesome, palatable food suitable for the species provided at an interval sufficient to maintain proper health and weight and nutrition.
- (c) **Adequate Water:** A constant access to or access at suitable intervals to a supply of clean, fresh, potable drinking water in a sanitary manner suitable for the species, age and condition of the animal.
- (d) **Adequate Health Care:** The provision to each animal of any required immunizations and preventive veterinary care required to maintain good health. The provision to each animal of adequate space and exercise required to maintain good health. The provision of necessary veterinary care to address illness, disease, injury, or to prevent unnecessary suffering.

(e) Adequate Shelter: A structurally sound, properly ventilated, sanitary and weatherproof shelter suitable for the species, condition and age of the animal which provides access to shade from direct sunlight and regress from exposure to inclement weather conditions.

Sec. 6-9. – Impoundment.

(a) Animals whose owners are in violation of this chapter shall be taken into custody by an animal control officer, law enforcement officer, or other duly authorized agent of the county and impounded in the animal shelter.

(b) Animals whose owners are known and identifiable via personal contact or by means of identification tag, rabies tag, or microchip shall be held a minimum of ten business days unless released to the custody of the owner at an earlier date and time. Animal Services shall notify the owner in person, by telephone, or electronically, and shall provide notice that the animal may be reclaimed from the shelter upon payment of any required fees, and that if the animal is not reclaimed within the hold period, it may be dispositioned by means of adoption, transfer to an approved agency, or humane euthanasia. If the owner of an animal cannot be contacted within twenty-four (24) hours after impound, Animal Services shall send notification via certified mail to the owner's last known address.

(c) Animals whose owners are not known and are not identifiable shall be held for a minimum of five calendar days, and if unclaimed, may be dispositioned by means of adoption, transfer to an approved agency, or humane euthanasia.

(d) An animal may be released from impoundment and returned to the custody of its owner upon payment of all fees and verification of current rabies inoculation. Any animal that does not have a microchip implanted upon impound must receive microchip identification prior to being released to the custody of an owner. Animal Services shall set a schedule of fees related to the impound, daily kenneling, microchip implant, and rabies inoculation costs associated with any impounded animal. Such fee schedule, with the approval of the County, may be subject to amendment as required.

Sec. 6-10. - Wounded or diseased animals.

An animal that is wounded, diseased or in great pain, in the judgment of the Animal Control Officer or Animal Services Director, may be humanely euthanized immediately.

Sec. 6-11. - Deceased animals.

All deceased animals shall be removed and legally disposed of by the owner or proprietor of the premises within twelve (12) hours following the death of such animal. Deceased animals on public property, roadways, or right-of-ways shall be disposed of by the appropriate local, county or state agency.

Sec. 6-12. – Penalties and Fines.

Any person who pleads guilty or is found guilty of violating any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be sentenced by the court to pay a fine not exceeding \$200.00 or imprisoned for a term not to exceed 30 days, at the discretion of the magistrate. If any violation is continuing, each day's violation shall be deemed a separate violation.

Sec. 6-13. - Statutes at large.

This chapter 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.

Sec. 6-14. – Livestock.

(a) It shall be unlawful for any livestock owner or other person with custody and control of livestock animals to allow their animals to run at large off property owned, rented or controlled by such person including streets, rights-of-way and highways of Abbeville County.

(b) The Animal Services Department, animal control officers, law enforcement officers, or any authorized agent of the county shall have the right to take up any livestock running at large and impound at any designated facility as deemed appropriate by the county. The county, or designated facility, may recover from the owner any reasonable costs incurred from maintaining or transporting the livestock. The county, or any designated facility, reserves the right to retain custody of any impounded livestock, with the right to use proper care, until such time as reasonable costs of recovery are obtained from the owner.

Secs. 6-15—6.32. – Reserved.

ARTICLE II. – RABIES CONTROL

Sec. 6-33. - Inoculation; certificate; tags.

- (a) No person shall own, keep, or harbor any domestic pet within the county for longer than 60 days unless such pet has been inoculated against rabies as provided in this article.
- (b) Every owner of a pet, age four months or older, shall have the pet inoculated against rabies on an annual basis.
- (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 inoculation readily available for inspection upon request by an Animal Control Officer, Law Enforcement Officer or duly authorized agent of the county, at any time.
- (f) In the event that a rabies tag is lost, the owner must 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 must have the current certificate of immunization transferred to reflect their name and information.
- (h) A certificate of rabies inoculation issued by a licensed veterinarian from another state will be accepted as valid, provided it has been issued within the previous calendar year at the time of inspection.

Sec. 6-34. – Animal Bites and Disease Control

(a) Any bite or scratch wound exposing an individual to the possibility of rabies or other zoonotic diseases shall be immediately reported to animal services, any law enforcement agency, or any local or state office of the Department of Health and Environmental Control. Any such bite or scratch that requires medical treatment shall be reported by the physician, hospital, clinic or medical agency to animal services, any law enforcement agency, or any local or state office of the Department of Health and Environmental Control within twenty-four (24) hours of administering care.

(b) It shall be the duty of every owner, keeper, or custodian of any animal upon receiving notice or having knowledge of their animal's involvement in human exposure to the possibility of rabies or other zoonotic diseases to immediately place such animal in the care of the Animal Services Department, or a licensed veterinary clinic, or in a location approved by an agent of the Department of Health and Environmental Control, where the animal will be isolated and confined for an observation period of ten (10) days from and including the day of the incident.

Sec. 6-35. – Unlawful actions.

(a) It shall be unlawful for the owner, keeper, or custodian of any animal involved in a bite or scratch related incident to release the animal from custody, or to hide or conceal such animal, or to take or allow such animal to be removed from the premises where observation of the animal is underway, without written permission or authorization from an agent of the Department of Health and Environmental Control, until the period of confinement and observation is complete.

(b) It shall be unlawful to kill, cause to be killed, or otherwise harm any animal suspected of having been exposed to rabies, or any animal which has bitten a human, unless the animal is humanely euthanized by a licensed veterinarian for the purpose of examination of the brain, under the direction of the Department of Health and Environmental Control.

Sec. 6-36. – Fees

The owner, keeper, or custodian of any animal involved in a bite or scratch related incident shall be liable for any costs incurred by the Animal Services department or veterinary clinic associated with the care, feeding and kenneling of such animal while in custody for observation, and may if they desire, obtain release of the animal to their custody only upon payment of said fees.

Sec. 6-37. - 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.

Sec. 6-38. - Confinement of animals bitten by known or suspected rabid animals.

The Department of Health and Environmental Control 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 months, except that animals properly treated with anti-rabic vaccine shall be confined for a period of not less than three months.

Sec. 6-39. – Penalties and Fines.

Any person who pleads guilty or is found guilty of violating any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be sentenced by the court to pay a fine not exceeding \$200.00 or imprisoned for a term not to exceed 30 days, at the discretion of the magistrate. If any violation is continuing, each day's violation shall be deemed a separate violation.

Secs. 6-40—6-68. - Reserved

ARTICLE III. – DANGEROUS DOGS

Sec. 6-69. - Definitions.

As used in this article, the term includes:

Dangerous dog: 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; a dog which attacks a human being or domestic animal without provocation; a dog which has been classified as dangerous by virtue of a hearing and upon determination of the county magistrate.

Proper enclosure: An enclosure for keeping a dangerous dog or potentially dangerous dog securely confined indoors or in a securely enclosed and locked fence, kennel or other structure outdoors suitable to prevent the entry of young children and designed to prevent the dog from escaping or coming into contact with others without supervision from an owner. Any kennel

must have secure sides and a secure top. Any fence shall be of sufficient height and the bottom of the fence shall be constructed or secured in a manner as to prevent the dog's escape from either over or under the fence.

Sec. 6-70. – Restrictions on permitting dangerous dogs to be outside proper enclosure

It shall be unlawful for the owner of a dangerous dog to permit the dog to be outside of a proper enclosure unless the dog is muzzled and under the restraint and reasonable control of a responsible person. Any muzzle must not cause harm to the dog or interfere with vision or respiration but must prevent the dog from biting a person.

Sec. 6-71. - 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.

Sec. 6-72. – Procedures for investigation and classification of dangerous dogs.

(a) An Animal Control Officer, or any law enforcement agency, shall investigate any report of a dangerous dog, upon receipt of a written complaint from an individual or any reported incident.

(b) When an Animal Control Officer or law enforcement officer classifies a dog as dangerous, the officer shall notify the dog's owner in person or by certified mail. The notice shall be in writing and shall include a summary of the officer's findings as well as the basis for classification as dangerous.

(c) The officer shall schedule a hearing before the county magistrate to take place not more than fifteen (15) days from the date of notice, if possible, during which the officer may present evidence for classification of the dog as dangerous. The owner of the dog shall be permitted to appear at the hearing to contest the classification.

(d) If a dog owner fails to appear at a classification hearing, or neglects to request a scheduling change for the hearing due to personal conflicts, the magistrate may, at their discretion, classify the dog as dangerous and subject the owner to any related conditions or penalties thereof.

(e) The magistrate court may, at their discretion, order the seizure and impoundment of any dog determined to be dangerous, in the interest of public safety.

Sec. 6-73. - Penalties.

(a) Whoever violates this article is guilty of a misdemeanor and, upon conviction for a first offense, must be fined not more than \$200.00 or imprisoned for not more than 30 days and, upon conviction of a second or subsequent offense, must be fined \$1,000.00, none of which may be suspended or remitted.

(b) A dangerous dog which attacks a human being or another domestic animal may be ordered humanely destroyed when, in the Magistrate 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 relevant to the impound, kenneling and care necessitated by the seizure of any dog for the protection of the public, and other expenses as may be required for the humane 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.

Sec. 6-74. - Persons lawfully on premises not liable for action taken to repel or restrain unprovoked attack of dangerous dog.

(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 or 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 animal control officers, law enforcement officers, firefighters, emergency responders, 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.