

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF HAMPTON )

ORDINANCE # \_\_\_\_\_

**AN AMENDMENT TO ANIMAL ORDINANCE 2002**

**WHEREAS**, the new ordinance will be used in conjunction with the above-named ordinance and amendment.

**SECTION 1: DEFINITIONS:**

**COUNTY:**

**Hampton County, South Carolina**

**COUNTY COUNCIL:**

**The County Council of Hampton County**

**COUNTY ADMINISTRATOR:**

**The County Administrator, or the designated Agent**

**ARTICLE 1:**

**§ 1.1 Definitions**

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

Abandonment and/or Maltreatment: A situation in which an Owner of a pet does not provide for human disposal of the pet, or transfer ownership to a responsible person, or who does not provide or arrange for adequate food, water, shelter and humane care.

Animal: Any live vertebrate creature, domestic, or wild, except Homo sapiens.

Animal Control Officer: The Officer of the County described under Section \_\_\_\_\_ of this Chapter.

Animal Shelter: Any facility designated by the County Council to house, impound or quarantine Animals in a humane fashion.

Chapter: This Chapter 1 of the Code of Ordinances of Hampton County, South Carolina.

Dangerous or Vicious Animal: Any Animal: (a) with the propensity or inclination to attack unprovoked, to cause injury to, or otherwise to endanger the safety of humans or domesticated pets; (b) which has attacked a human being or domesticated Animal without provocation; or (c) which is trained to fight or attack humans or other Animals.

Impound: The placing of Animals in an Animal Shelter or location otherwise specified by the Animal Control Officer.

Kennel: Any enclosure for the purpose of housing three (3) or more Pets.

## **§ 2.2 Removal of Feces from Public and Private Property**

Any Owner, Keeper, or other person having control or supervision of an Animal must remove promptly all feces left by the Animal on any street, sidewalk, parking lot, public park, school ground, or on private property other than the premises of the Owner or person having custody of the Animal.

## **§ 2.3 Dogs and Cats in Estrus**

(a) All female dogs or cats in season shall be kept inside a building, or within a secure fence or other enclosure which limits the dog or cat to a particular confined area so that the dog or cat cannot come into contact with a male dog or cat, except for planned breeding.

(b) When allowed outdoors to relieve itself, a female dog or cat in season shall be on a hand-held leash and under the observation of its Owner or Keeper and must remain on the property of the Owner or Keeper. Female dogs or cats in season are not permitted to be walked on any public roadway or property.

## **§ 2.4 Identification for Animals Required**

All dogs and cats within the County shall at all times wear a collar that displays the Owner's name, address and telephone number. A current rabies inoculation tag must also be displayed on the collar at all times.

## **§ 2.5 Nuisance Animals**

It shall be unlawful for any person to permit any Animal(s) they own, keep, hold, board, or harbor to: (1) damage the property of anyone other than its Owner; (2) enter the property of anyone other than its Owner, or kill or maim domestic Animals or wildlife; (3) enter the property of anyone other than the Owner and interfere with the ordinary use or enjoyment of the property; (4) excessively make disturbing noises, including, but not limited to: continued and repeated caterwauling, howling, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors and others; (5) foul the air with odor and thereby cause unreasonable annoyance or discomfort to neighbors or others near the premises where the Animal is kept or harbored; (6) cause unsanitary conditions in enclosures or surroundings where the Animal is kept or harbored; or (7) be offensive or dangerous to public health, safety or welfare by virtue of the number and/or types of Animals maintained.

## **§ 2.6 Trapping of Domesticated Nuisance Animals**

The Owner or lawful resident of property on which any Nuisance Domesticated Animal(s) are present may request a live trap from Animal Control in which to trap and remove the Nuisance Animal(s). The live trap must be inspected at a minimum of once every twelve (12) hours by the person who requested the trap, and Animal Control or the Public Safety Department contacted immediately upon the trapping of an Animal therein. Traps will not be placed when an Animal Control Officer will be unavailable to pick it up the next day (i.e. weekends, holidays, or when all Animal Control Officer(s) will be off duty.)

## **§ 2.7 Surrendering of Animals**

The Owner of a domesticated Animal may surrender ownership of said Animal by contacting an Animal Control Officer and signing a "Surrender of Animal" form and shall pay an owner surrender fee for each

Animal being surrendered. The owner surrendering ownership of their Animal must deliver their Animal to the Hampton County Animal Shelter. Upon surrendering the Animal to the County, the Animal automatically and irrevocably becomes the sole property of the County. The Animal may be put up for adoption, delivered to an Animal Shelter, or humane society, or rescue group, or humanely euthanized by a properly licensed Animal Shelter employee. The surrendering of an Animal after receiving a citation for a violation of any section of the article, will not release the Owner or person having control over the Animal from any civil or criminal proceedings arising from the violation.

## **§ 2.8 Dangerous Animals**

Any person witnessing an Animal attacking a human being or Pet shall notify an Animal Control Officer or other law enforcement officer authorized to enforce this Chapter. If an Animal Control Officer or a law enforcement officer has determined that an Animal has bitten or attacked a person, an Animal Control Officer shall promptly notify DHEC of the bit or attack and shall cooperate with the health department in the capture and impounding of the Animal.

## **§ 2.9 Seizure, Impoundment, Reclaiming and Destruction Procedures.**

(a) A Law Enforcement Officer, Animal Control Officer, or any appointed for the purpose by the County shall take into custody and Impound, or cause to be taken into custody and Impounded, and disposed of as provided in this Chapter, any dog running at Large in the County / Towns, except as specifically excluded herein. An Animal Control Officer may Impound or cause to be taken into custody and Impounded, and disposed of as provided in this Chapter, any cat running at Large in the County / Town.

(b) After any Unidentifiable Animal has been Impounded for five (5) days and is unclaimed by its owner, the Animal Shelter may, unless the animal must be kept pending disposition of a criminal or civil trial involving the animal, or pending a hearing on the disposition of the animal, dispose of the animal by adoption or by euthanasia, or the animal may be turned over to any organization established for the purpose of caring for animals, such as the Humane Society.

(c) When an Identifiable animal is Impounded by the County and the name and address of the Owner appears on the collar of the animal, the Town shall attempt to notify such Owner by telephone or by posting a notice on the Owner's Residence within two (2) days of the time the animal was seized. Notwithstanding the foregoing, no positively identifiable dog shall be destroyed by an Animal Control Officer or any Animal Shelter until the Owner of such dog has been provided written notice by registered mail delivered to such Owner's last known address that the dog is in the possession of an Animal Control Officer or Animal Shelter. Subject to the other provisions of this Chapter, the dog may be destroyed by euthanasia if the Owner does not pick up the dog within two (2) weeks after the date such notification was mailed. In addition to any impoundment fee and any other costs or fees provided for elsewhere in this Chapter or otherwise lawfully established by an Animal Control Officer or Animal Shelter, such Owner must also pay all reasonable costs associated with the extended holding period described in this subsection, including the cost of mailing the notice, before the dog is returned to the Owner.

(d) Any Owner or Keeper of an Animal which has been Impounded, with the exception of an Animal abused by its Owner or Impounded as Dangerous, quarantined on suspicion of contraction of rabies, or being held in connection with any criminal or civil trial, may claim the Animal upon payment of

Redemption Fee as outlined in section 2.10 and of all other fees set by the applicable Animal Shelter associated with the Animal being in the custody and care of such Animal Shelter. A dog abused by its Owner or Impounded as Dangerous can only be released to the Owner by the court following adjudication of any case pending related to the Animal.

(e) Notwithstanding anything in this Chapter to the contrary, any animal impounded in an Animal Shelter that is Feral, Wild or otherwise Dangerous or Vicious or a threat to Animal Shelter staff may, in the discretion of an Animal Control Officer, be humanely euthanized by licensed Animal Shelter personnel at any time with no required hold period.

(f) No animal in possession of the County under this Chapter shall be donated or sold to any laboratory or research facility.

### **§ 2.10 Adoption; Impoundment; Redemption; Fees**

A Redemption Fee shall be paid to the Hampton County Animal Shelter before reclaiming of an Animal in accordance with the procedures of this Chapter. This Redemption Fee is in addition to any other fees charged by the Hampton County Animal Shelter. The Redemption Fee for all Animals is as follows:

- |     |                           |         |
|-----|---------------------------|---------|
| (1) | First Offense:            | \$20.00 |
| (2) | Each Subsequent Offenses: | \$10.00 |

### **SECTION 3: RABIES – State Law Section 47-5-60**

#### **§ 3.1 Inoculation Required – Inoculation of Pets; Certificates and Tags**

It shall be unlawful for any person to own, harbor, maintain, or have in possession within the county any Pet over four (4) months old, unless such Pet has been currently inoculated against rabies by a duly licensed veterinarian or person authorized to administer the vaccine.

#### **§ 3.2 Inoculation Tag - Required to be Attached**

At the time a Pet's inoculated against rabies, the Owner shall obtain from the veterinarian a metal tag to be attached to the Pet's collar. The tag shall bear an inscription showing that such Pet has been inoculated against rabies and the year of such inoculation, and must be worn by such Pet at any time such Pet is not on the Owner's premises for any reason.

#### **§ 3.3 Quarantine of Any Animal which Bites a Person Required**

Any Animal which bites a person shall be quarantined for ten (10) days if ordered by the South Carolina Department of Environmental Health Control County Health Officer. During quarantine, the Animal shall be securely confined and kept from contact with any other Animal. At the discretion of the South Carolina Department of Environmental Control County Health Officer the quarantine may be on the premises of the Owner. If the South Carolina Department of Environmental Health Control County Health Officer requires other confinement, the Owner shall surrender the Animal for quarantine period to an Animal Shelter or veterinary hospital approved by such County Health Officer at its own expense.

### **§ 3.4 Disposal of Animal Suspected of Having Rabies**

After any Animal has been quarantined pursuant to the South Carolina Rabies Control Act and is unclaimed by its owner, after the Animal Shelter employees have made a good faith effort to contact the identified Owner and complied with the provisions of Section 2.9 of this Chapter (if the Animal is a dog) the Animal Shelter employees, unless the Animal must be kept pending disposition of a criminal or civil trial, may dispose of the animal by adoption or by euthanasia, or the Animal may be turned over to any organization established for the purpose of caring for Animals, such as the Humane Society. If euthanized, the head of such Animal may be sent to a laboratory for pathological examination and confirmation of the diagnosis.

## **ARTICLE III: CRUELTY AND ABUSE**

### **§ 3.5 Abuse of Animals**

It shall be unlawful for any person to negligently or willfully:

(a) Fail to provide adequate medical attention for any sick, diseased, or injured Animal he/she owns, possesses, or harbors;

(b) Keep any Animal under unsanitary or inhumane conditions which are detrimental to the Animal's health and general welfare, or fail to maintain a condition of good order and cleanliness which reduces the probability of transmission of disease; or fail to provide a living area free of accumulated waste and debris so that the Animal is free to walk or lie down without coming in contact with any waste or debris;

### **§ 3.6 Confinement of Animals**

(a) No person shall tether, fasten, chain, tie or restrain an Animal, or permit such tying or restraint on premises in his control, to a tree, fence, post, dog house, or any other stationary object unless the tethering device used is at least ten (10) feet in length and attached in such a manner as to prevent strangulation or other injury to the Animal and entanglement with objects other than the stationary objects to which the device is attached.

(b) No person shall tether, fasten, chain, tie or restrain an Animal, or cause such restraining of an Animal, to a cable trolley system that allows movement of the Animal unless the length of the cable along which the tethering device can move must be at least ten (10) feet; and the tethering device must be of such length that the Animal is able to move at least ten (1) feet away from the cable perpendicularly.

(c) No person shall tether, tie, stake or chain any Animal where the Animal can obstruct, block or hamper the normal use of any public property or private property without the landowner's consent.

(d) No Person shall tether, tie, stake or chain any Animal to any metering device or attempt to obstruct the device in such that it prevents any service to be read, disconnected, shut off or interrupted.

(e) It is unlawful to attach a chain, wire, or any other tethering device to, or cause such attachment to, a choke-type or pronged collar.

(f) It is unlawful to attach a chain or wire or other tethering device in such a manner that does not allow the Animal access to food water, and/or proper Shelter.

(g) It is unlawful for any chain or wire or other restraining device to exceed one-eighth (1/8) of the Animal's weight.

(h) Any Animals confined within a fenced yard must have an adequate space for exercise. Provided further that where Animals are kept or housed on property without a fenced yard, the Owner of such Animals or persons having custody of such Animals shall provide an enclosure for such Animals. The Animal shall be provided with shade and protection from the elements. Enclosures shall be maintained in a sanitary condition. Properly installed electronic dog-containment systems may be utilized, provided the public is visually advised of its existence from the street and/or sidewalk.

(i) An Animal shall not be considered enclosed by a fence or containment system or restrained if the Animal can pass through, under or over the fence, or if the gauge of the fence is not, or cannot be, securely latched.

(j) An Animal that can snap or bite a person through a fence or electronic containment system shall not be considered enclosed by the fence or restrained.

(k) Persons found in violation of this section will, upon their first offense, be given a warning and allowed five (5) days to meet the requirements of this section. If after the fifth day the violation continues, a citation shall be issued by an Animal Control Officer. Upon a repeat offense by the same person, any Animals under the control of the person found in violation of this section may, in the discretion of an Animal Control Officer, be Impounded and placed in an Animal Shelter or other safe location until ordered by the court to be released. The Owner of the Impounded Animal(s) shall be responsible for any costs associated with the Animal's placement.

(l) This section does not apply to walking an Animal on a hand-held leash.

#### **ARTICLE IV: DOGS**

##### **§ 3.7 Dogs which chase vehicles, attack persons, etc.**

It shall be unlawful for any person to keep or have within the County a dog that habitually or repeatedly chases, snaps at, attacks, or barks at pedestrians, bicyclists or vehicles.

##### **§ 3.8 Habitual and Persistent Barking**

(a) No person shall allow a dog to unreasonably disturb any person habitually and/or persistently barking, howling, yelping, whining, or making other noises. It shall constitute a violation of

this section if the howling or barking occurs continually and is audible beyond the property line of the premises on which the dog is located.

(b) Any complainant must provide on a barking dog complaining the dog Owner's address, description of the dog, and the dates, times and duration of the violation(s). Upon receipt of the complainant's information, an Animal Control Officer will issue a written warning to the Owner of the dog, and the dog Owner will be allowed three (3) days from the issuance of the written warning notice to correct the problem before being charged under this section.

(c) Should the violation continue after the issuance of a written warning notice and the three (3) day grace period, a citation carrying a civil penalty of not more than five hundred forty-nine (\$549.00) dollars may be issued to the Owner of the dog in question **if the complainant is willing to testify at trial to the persistent, habitual, and offensive noise generated by the barking dog.**

(d) A dog Owner shall be deemed to have received the written warning notice of an Animal Control Officer under this section 3.8 if the written warning was personally served on the said Owner, posted on the residence where the dog is located, or sent to the residence where the dog is located by certified mail.

(e) It shall be a defense to violation of this section if the Owner of the dog proves by preponderance of the evidence that the reason the dog was howling or barking was that the dog was being provoked by a person through such activity as entering the property or badgering or teasing the dog.

### **§ 3.9 Kennel Permit Required**

(a) No Kennel facility shall be constructed or operated without an application having been made to the County Building and Zoning Department for a permit. No permit shall be issued to a rental unit or property without the written and notarized consent of the owner/management company.

(b) No Permit shall be issued except a temporary permit for construction until a final inspection is made by the County Building and Zoning Department and an Animal Control Officer. An annual inspection of Kennels may be conducted by an Animal Control Officer to verify compliance.

(c) Any person submitting an application for the construction or operation of a Kennel facility to the County Building and Zoning Department must provide with the application a site plan describing the acreage of the property on which the proposed Kennel facility is to be located, the location and size of all existing and proposed physical improvements to be located, the location and size of all existing and proposed physical improvements to be contained in each structure or enclosed area, the location and dimensions for an existing or proposed outdoor or indoor runs and exercise area, with description of intended materials and surfaces, and the location of any existing wells or sewage treatment areas on site.

## **ARTICLE V: CATS**

### **§ 3.10 Limitations on cats**

(a) No Owner of any cat shall allow the cat to freely roam out of doors unless it has been spayed or neutered. The Owner of each spayed or neutered cat shall keep a record for each cat from a duly licensed veterinarian containing: (1) a description of the cat; (2) the name of the Owner; and (3) the date on which the spaying or neutering took place.

(b) All cats allowed to roam out of doors shall be required to wear a collar at all times, and the collar shall contain the Owner's identification information and proof of current rabies vaccination in accordance with Sections 47-5-60 Inoculation of Pets and Chapter 5 Rabies Control.