

TITLE IX: GENERAL REGULATIONS

Chapter

90. ANIMALS

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CHAPTER 90: ANIMALS

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Statutory reference:

Dogs and other domestic pets generally, see S.C. Code §§ 47-3-10 et seq.

Municipal authority to regulate animals, see S.C. Code § 47-3-70

Rabies control, see S.C. Code §§ 47-5-10 et seq.

GENERAL PROVISIONS**§ 90.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONMENT. A situation, in which an owner of a domestic animal deserts, forsakes or gives up an animal, without securing another owner or without providing for that animal the necessities of life.

ANIMAL. One or more domestic animals of any kind, and one or more domestic fowls of any species.

AT LARGE. An animal off the property of its owner or other consenting landowner, and not under restraint.

CARNIVORE. Any animal able to kill and eat the meat from another animal.

NUISANCE. 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.

OWNER. 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 he occupies.

VICIOUS ANIMAL. Any animal evidencing characteristics usually associated with an animal abnormally inclined to attack, or to attempt to attack, other animals or persons, without provocation by such other animal or person.

(Ord. 2004-11, passed 6-21-04)

§ 90.02 COUNTY ANIMAL CONTROL OFFICER.

(A) *Powers and duties.*

(1) The County Animal Control Officer shall have the power to enforce this chapter, cooperate with the County Health Department in quarantining animals, and carry out the duties and assume the responsibilities of this chapter.

(2) The Animal Control Officer shall maintain such records as may be prescribed by the County Administrator, and as necessary to enforce the provisions of this chapter.

(B) *Commissioning as constable.*

(1) Pursuant to S.C. § 4-9-145, as amended, the County Council authorizes the commissioning of the Animal Control Officer as a county constable.

(2) The constable shall be empowered to enforce all county ordinances and laws of the state within the geographical boundaries of the county; however, he shall place priority upon enforcement of this chapter.

(3) (a) The constable shall obtain and keep current all training and certifications for law enforcement officers required of him by applicable law.

(b) Proof of certification shall be filed with the County Administrator.

(4) The term of the constable shall be concurrent with his tenure as the Animal Control Officer, unless the County Council shall by resolution sooner revoke his constabulary authority. (Ord. 2004-11, passed 6-21-04)

§ 90.03 UNLAWFUL ACTS AND PUBLIC NUISANCES.

(A) In the county, it shall be unlawful for any animal owner or other person with custody and control of any animal to allow:

(1) Such animal to run repeatedly at large off of property owned, rented or controlled by him so as to constitute a nuisance or menace to the person or property of another;

(2) Such animal to molest or threaten passersby, joggers or schoolchildren, or to chase vehicles traveling any public highway, public street or public road;

(3) Trespassing by an animal on school grounds;

(4) Barking, whining, howling or noises peculiar to other animals, in an habitual manner, causing an unreasonable disturbance to any citizen; not to be interpreted to restrict barking or howling of dogs while in the process of a controlled and managed hunt on personal or a consenting landowner's property.

(B) It shall be unlawful to allow a female animal in season to roam unrestrained in any area in the county.

(1) Such animal shall be confined by the owner in a building or secure enclosure, out of sight of public view, even if breeding is planned.

(2) Such animal running at large may be captured by Animal Control and retained at the county pound.

(C) No person shall interfere with, hinder or molest Animal Control Agents or other duly authorized county law enforcement officers in the performance of their duties.

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(D) No person shall release or attempt to release, without authority, any animal impounded or quarantined pursuant to the animal control laws of the county.

(E) No person shall steal any positively identifiable animal.

(F) (1) No person shall kill any animal, when the owner may be identified by means of a collar bearing sufficient information or some other form of positive identification.

(2) This does not apply to the killing of an animal threatening to cause, or causing personal injury or property damage, as outlined in § 90.08(C).

(Ord. 2004-11, passed 6-21-04) Penalty, see § 90.99

§ 90.04 ABANDONED ANIMALS.

No person shall abandon any animal in the county.

(Ord. 2004-11, passed 6-21-04) Penalty, see § 90.99

§ 90.05 EVIDENCE OF RABIES REQUIREMENTS.

(A) A valid metal rabies tag must be attached to a collar or harness and worn by dogs and cats at all times.

(B) This rabies tag must have been issued by a licensed veterinarian.

(C) Animals without tags may be picked up by the Animal Control Officer, and taken to the animal compound for further disposition.

(Ord. 2004-11, passed 6-21-04)

§ 90.06 ANIMAL CARE.

No owner shall fail to provide his animal with sufficient food and water, proper shelter and protection from the weather, and humane care and treatment.

(Ord. 2004-11, passed 6-21-04) Penalty, see § 90.99

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, or plaza or in any public park anywhere within the city.

§ 90.07 PERIOD OF IMPOUNDMENT AND DISPOSITION OF ANIMALS.

(A) County Animal Control Officers shall pick up and impound or quarantine any animal running at large.

(B) Any animal impounded by the county, which was picked up wearing identification tags and/or bearing a tattoo, shall be taken to the county shelter or other designated facility, and held for a minimum of ten working days.

(1) Animal Control shall attempt to notify the owner at his last known address, by telephone or certified mail, that they have the animal in their possession.

(2) Within ten working days from the date he was notified, the owner must notify the Animal Control Officer that he will pick up his animal.

(3) If the owner does not pick up the animal within ten working days of notification by the Animal Control Officer, the animal shall become the property of the county animal shelter.

(C) Any animal impounded by the county that is picked up with no identification shall be detained for redemption by its owner for a period of five working days.

(1) If the animal is not redeemed by its owner in that period, the animal, if determined by the Animal Control Officer to be adoptable, may be picked up by a local humane society and transferred to its facility for adoption through its spay/neuter program.

(2) The Animal Control Officer shall be prohibited from placing for adoption animals he has impounded.

(D) Any owner wishing to have his animal released from impoundment shall be responsible for payment of a rabies inoculation fee, if needed, and a county pound fee, as set from time to time.

(1) It shall be incumbent upon the owner of an impounded animal to produce or demonstrate to personnel sufficient proof of current and valid inoculation for such animal prior to its release from impoundment.

(2) Alternatively, Animal Control personnel may arrange for the inoculation of such animal, at the owner's expense, prior to releasing the animal.

(E) The county shall not be held liable for accidents, disease or treatment of animals while confined in the county pound, and shall be released of all responsibilities to the new owner or former owner when a pet is adopted or disposed of humanely, as specified in this section.

(Ord. 2004-11, passed 6-21-04)

§ 90.08 RUNNING AT LARGE; PROPERTY DAMAGE.

(A) Any person whose property, such as shrubbery, flower beds, gardens or personal property in the yard area, has been repeatedly bothered, disturbed, or defecated or urinated upon by a trespassing animal may submit a complaint to the Animal Control Office or an Easley Police Officer.

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(1) If such a complaint is made, the Animal Control Officer or an Easley Police Officer will notify the owner of the animal, if the owner is known, by certified mail or by citation of the complaint.

(2) If no response is received, the Animal Control Officer may capture the trespassing animal on the complainant's private property by a humane method, e.g., by setting cage-type traps.

(B) (1) If the owner of a trespassing animal is not known, Animal Control may capture such animal by the method described in division (A) of this section, and hold it in the county pound as per § 90.07.

(2) If the owner (if known), upon being notified by Animal Control after the first day of confinement, does not tender payment, the person complaining shall have the right to seek restitution for damages or losses through the magistrates' courts.

(C) Any property owner who may find an animal on his property, in the act of injuring or destroying any person or domestic animal, may use means necessary to protect his person or property from injury or destruction.

(Ord. 2004-11, passed 6-21-04)

VICIOUS ANIMALS**§ 90.15 OWNING OR KEEPING A VICIOUS ANIMAL.**

(A) No person owning or keeping a vicious animal may permit the animal to go unconfined on his premises.

(1) A vicious animal is ***UNCONFINED***, if the animal is not confined indoors, or not confined in a securely enclosed fence or a securely enclosed and locked pen or run area upon the person's premises.

(2) The pen or run area must be clearly marked as containing a vicious animal, and must be designed to prevent the entry of the general public, including children, and to prevent the escape or release of the animal.

(3) This section does not apply to an animal owned by a licensed security company and on patrol in a confined area.

(B) No person owning or keeping a vicious animal may permit the animal to go beyond his premises, unless the animal is safely restrained and the requirements of § 90.15(E) are met.

(C) No person shall:

- (1) Own, possess, keep or train any animal with the intent that such animal shall be engaged in an exhibition of fighting or make unprovoked attacks upon human beings, domestic animals, or livestock;
- (2) Build, make, maintain or keep a pit he owns or on land he occupies or controls, or allow a pit to be built, made, maintained or kept on such premises for the purpose of any exhibition of animal fighting;
- (3) In any manner encourage, instigate, promote or assist in an exhibition of animal fighting;
- (4) Charge admission, be an assistant or an umpire, or participate or be present as a spectator to any exhibition of animal fighting.

(D) (1) No person may possess with intent to sell, offer for sale, breed, buy or attempt to buy a known vicious animal.

(2) This section does not apply to a person who is licensed to possess and breed an animal under classifications specified and regulated by federal authorities.

(E) A person owning or harboring a vicious animal shall register the animal with the local law enforcement authority.

(F) No carnivores that are both normally not domesticated and not native or indigenous to the State of South Carolina may be owned, possessed, harbored or kept in any manner in the county, except pursuant to a permit issued by the County Animal Control Department; or pursuant to a Class A, Class B or Class C license issued by the United States Department of Agriculture, under 7 U.S.C. §§ 2131-2157 and 7 C.F.R. §§ 2.17, 2.51, 371.2(g), authorizing operation as a breeder, dealer, exhibitor or operator of an auction sale; or as otherwise provided by state law, including but not limited to, S.C. Code § 50-11-2400.

(G) An animal shelter, a publicly owned zoological park, a veterinary hospital, a public laboratory, a publicly owned facility for education, a facility that is operated for scientific purposes, and all governmental entities shall be exempt from the requirements of § 90.15(F).

(H) (1) A person owning or harboring a dog or other animal used for hunting purposes shall determine whether the hunting animal meets the definition of a vicious animal.

(2) If the owner determines that the animal is a vicious animal, it shall be the responsibility of the owner to restrain such animal when it is not in the act of hunting.
(Ord. 2004-11, passed 6-21-04) Penalty, see § 90.99

§ 90.16 REMOVAL OR IMPOUNDMENT OF A VICIOUS ANIMAL.

(A) If an Animal Control Officer has probable cause to believe that a vicious animal is being harbored or cared for in violation of divisions (A), (C), (D), (E) or (F) of § 90.15, the Officer may bring a charge against the owner, and petition the court having jurisdiction to order the seizure and impoundment of the vicious animal while the trial is pending.

(B) If an Animal Control Officer has probable cause to believe that a vicious animal is being harbored or housed in violation of § 90.15(B), the Officer may bring a charge against the owner, and seize and impound the vicious animal while trial is pending.

(C) Any vicious animal owned, possessed or maintained in violation of § 90.15 shall be seized and impounded by an Animal Control Officer, or other law enforcement officer assisting such Officer, and a charge shall be brought against the owner of such animal, pursuant to this chapter.

(D) An animal that has been determined to be a habitual nuisance, according to the definition provided in § 90.01, by the Department of Animal Control may be impounded, and may not be returned to the owner, until the owner can produce evidence to demonstrate that the situation creating the nuisance has been abated.

(Ord. 2004-11, passed 6-21-04)

DOGS**§ 90.25 NOISY DOGS.**

(A) No person shall keep, harbor, or maintain any dog which habitually barks or cries so as to disturb the public peace.

(B) Upon the receipt of two detailed, written and signed complaints from separate households in close proximity to the offender, the Animal Control Officer or other appropriate law enforcement officer shall notify the owner or keeper of the dog, in writing, to correct the violation within 15 days of receiving the notice.

(C) If the violation is not corrected within the 15-day period, the owner or keeper of the dog shall be deemed guilty of a violation of this section.

(Ord. passed 4-11-88; Am. Ord. 2000-13, passed 6-12-00; Am. Ord. 2004-11, passed 6-21-04)
Penalty, see § 10.99

§ 90.26 CARE AND MAINTENANCE OF DOGS.

(A) Tethering - It shall be unlawful for any person to tether, fasten, chain, tie, restrain or cause a dog to be fastened, chained, tied, or restrained to houses, trees, fences, garages or other stationary or highly immobile objects by means of a rope, chain, strap or other physical restraint for a period no longer than necessary for the owner or person in control to complete a temporary task.

(B) Confinement shall be accomplished by means of a fence or similar enclosure of sufficient strength and height to prevent the dog from escaping. Based on the size of the animal, each enclosure shall be of sufficient size to permit freedom of movement to the dog confined.

(C) Dogs may be attached to a running line, pulley, or trolley system, of at least 15 feet in length. The dog may not be attached to these systems with either a choke or pinch collar.

(D) All enclosures or areas consisting of a running line, pulley, or trolley system shall include a shelter to protect the dog from cold, heat, and rain, with sufficient food and water.

(E) Each enclosure or areas consisting of a running line, pulley, or trolley system must be kept clean and free of decaying food, stagnant water and fecal matter.

(F) This section shall not affect the use of appropriate underground electronic means of confinement.

(G) The penalty for this section is as provided in 90.99.

FARM ANIMALS

§ 90.35 FARM ANIMALS.

(A) It shall be unlawful for any person to have farm animals on any property within the city limits except such property is classified as farm property for property tax purposes by Pickens County under provisions of state law.

(B) Farm animals include, but are not limited to the following: goats, pigs, cattle, horses, chickens, turkeys, and any animal raised as an agricultural product.

(C) Common pets including dogs, cats, birds, rabbits, and other small animals typically sold at pet shops are not considered farm animals.

(D) The Easley Police Department is responsible for enforcement of this section.

(E) The penalty for violation of this section is as provided in § 90.99.
(Ord. 2006-10, passed 6-12-06)

§ 90.99 PENALTY.

Animal Control Officer making charge – Any person violating any provision of this chapter, with the exception of § 90.25, shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished as provided in Sec. 1-7 of the Pickens County Code of Ordinances.
(Ord. 2004-11, passed 6-21-04)

Easley Police Officer making charge - Any person violating any provision of this chapter, with the exception of § 90.25, shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to a fine not to exceed \$500 or imprisoned of not more than 30 days, plus any state assessments.