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STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

ORDINANCE NO. 2020-1670

AN ORDINANCE

TO AMEND ARTICLE I, CHAPTER 6 OF THE LANCASTER COUNTY CODE RELATED TO THE OPERATIONS OF THE LANCASTER COUNTY ANIMAL CONTROL DEPARTMENT.

WHEREAS, South Carolina Code Ann. § 4-9-25 confers upon counties the authority to enact regulations, resolutions, and ordinances, not inconsistent with the Constitution and general law of the State of South Carolina, including the exercise of these powers in relation to health and order in counties or respecting any subject as appears to them necessary and proper for the security, general welfare, and convenience of counties or for preserving health, peace, order, and good government in them; and

WHEREAS, South Carolina Code Ann. § 47-3-20 provides that the governing body of each county or municipality in this State may enact ordinances and promulgate regulations for the care and control of dogs, cats, and other animals and to prescribe penalties for violations; and

WHEREAS, Lancaster County Council wishes to provide for the public health and safety by regulating the care and control of dogs, cats, and other animals consistent with South Carolina law all for the public good;

WHEREAS, the South Carolina Legislature has enacted Act 43 which substantively changed several statutes related to Animal Control and necessitates revision of the previous Animal Control ordinances;

NOW, THEREFORE, by the power and authority granted to the Lancaster County Council by the Constitution of the State of South Carolina and the powers granted to the County by the General Assembly of the State, it is ordained and enacted that:

Section 1. Article I, Chapter Six of the Lancaster County Code is amended as follows:

ARTICLE I. – ANIMALS AND FOWL

~~Indicates Matter Stricken~~

Indicates New Matter

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Sec. 6-2. - Definitions.

For the purposes of this chapter, the following words and phrases shall have the following meanings ascribed to them:

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

Animal. Any live, vertebrate creature, domestic or wild, including pets.

Animal control officer. Persons employed by the county Sheriff of Lancaster County as deputy sheriffs as the enforcement officers of the provisions of this chapter.

Animal Hoarding.

(1) Collecting animals and failing to provide them with humane or adequate care;
(2) Collecting dead animals without proper disposal; or
(3) Collecting, housing, or harboring animals in filthy, unsanitary conditions that constitute a health hazard to the animals being kept or to the animals or residents of adjacent property.

Animal shelter. Any premises so designated by county council for the purpose of impounding and caring for animals found in violation of this chapter.

At large. Any pet that is not under restraint. Any pet not so restrained will be deemed unlawfully running at large.

Auctions. Any place or facility where animals are regularly bought, sold or traded, except for those facilities otherwise defined in this chapter. This section does not apply to individual sale of animals by owners.

Cat. A domestic feline of either sex, except a free roaming cat.

Cattery. Any person engaging in the business of breeding, buying, selling or boarding of cats.

County. The unincorporated area of the county and any municipality which has agreed in writing with the county council for animal control services and which has adopted appropriate legislation.

Custodian. Any person having custody or custodial power.

Dangerous animal. As used in this article, "dangerous animal" means and includes:

(1) An animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury, or to otherwise endanger the safety of human beings, domestic animals or livestock;
(2) An animal which attacks a human being, domestic animal or livestock without provocation;
(3) An animal owned or harbored primarily or in part for the purpose of fighting or an animal trained for fighting.
(4) Two or more unprovoked attacks by an animal upon a human being, a domestic animal, or livestock is prima facie evidence that the animal is a dangerous animal.

Euthanasia, euthanize, euthanized. When an animal is impounded, such terms shall mean the methods of destruction provided by the Code of Laws of South Carolina.

Exposure to rabies. Any person or animal which has been bitten by or exposed to any animal known to have been infected with rabies. This determination shall be made by the South Carolina Department of Health and Environmental Control as provided for in state law.

Fancier. A person who owns or keeps three (3) or more dogs or cats for noncommercial hunting or for breeding purposes in order to regularly participate in tracking, exhibition in shows, or field or obedience or performance trials at AKC (American Kennel Club), UKC (United Kennel Club), CFA (Cat fancier Association), or other nationally recognized licensed shows.

Free roaming cat. Any friendly or feral cat without an identifiable owner and home.

Kennel. Any person or organization engaging in the business of breeding, buying, selling or boarding of animals.

Maltreatment. The act of any person who deprives any pet of necessary sustenance or shelter, or inflicts unnecessary pain or suffering upon any pet, or causes these things to be done.

Spayed or Neutered pet. Any animal which has been operated on to prevent conception.

Owner. Including, but not limited to, any person who has a right of property in an animal; keeps or harbors an animal or who has it in his care or acts as its custodian; or permits such animal to remain on or about premises occupied by such person for a period of at least seventy-two (72) hours.

Pet. A domesticated animal, such as, but not limited to, a dog or cat.

Public nuisance. Any pet found at large or making loud or objectionable sounds.

Restraint. A situation in which a pet is:

(1) Under sufficient physical restraint, such as a leash, cage, bridle or similar effective device which restrains and controls the animal, or within a vehicle or adequately

contained by a fence on the premises or other secure enclosure. If the physical restraint used is a leash, bridle, or other device requiring a person to control the animal, the person using such restraint must be of sufficient age and physical size or ability to reasonably restrain the animal. If the secure enclosure is an invisible fence system, then all components of the system must be in working order and in proper place. Additionally, there must be a visible, permanent sign on the premises stating that there is an invisible fence.

(2) If a responsible person is physically outdoors, and immediately adjacent to the animal, on the land where the owner of the animal resides, and the animal is under the person's direct control and is obedient to that person's commands, it shall be considered under restraint during the duration of the time the animal is in the company and under the control of that adult and the animal is on the premises.

Running at large. An animal not under restraint as provided for in the definition of " restraint" above.

Sterilized pet. Any pet that has had surgery to remove the reproductive organs.

Stray and abandoned animals. ~~An animal running at large which has no identifiable owner.~~ Any domestic or domesticated animal, except a free roaming cat, found wandering at large or abandoned in the public ways or on the lands of any person other than its owner.

Venomous reptiles. Any reptile that is venomous and poses serious health and safety concerns including, but not limited to, snakes and lizards.

Veterinary hospital. Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

Sec. 6-3. - Protection of responsible animal owners.

In adopting this chapter, county council's intention is to provide control of vicious animals and animals whose owners assume no responsibility for their keeping and care and which destroy or damage property or constitute an active nuisance or danger to residents of the county. It is the intention of county council that animal control officers and animal shelter personnel be alert to protect responsible animal ownership so that no animal shall be destroyed solely by reason of a technical violation of this chapter without other consideration. Animal control officers shall be expected by county council to exercise prudence and consideration for responsible animal ownership.

Sec. 6-4. - Powers and duties of animal control ~~director.~~ officers.

(a) ~~The position of animal control director is hereby established.~~ The animal control ~~director, and such animal control~~ officers as may be provided for, shall have the power to enforce this chapter, to cooperate with the health department in quarantining animals, to levy penalties and to carry out the duties and assume the responsibilities of this chapter. For the

purpose of enforcing this chapter, the sheriff, deputy sheriffs, magistrates, constables, and the police officers of any incorporated municipality which has reached an agreement with the county council are authorized and instructed to assist the animal control officers. The animal control officer shall have the power of impoundment of any stray animal and in any of the other circumstances of impoundment described in this chapter.

~~(b) The animal control director shall maintain such records as may be prescribed by the county administrator and as necessary to account for the activities of that office.~~

~~(c)~~(b) The animal control ~~director and~~ officers shall enforce this chapter in all unincorporated areas of the county. An animal control officer may require a signed complaint whenever he deems it advisable.

~~(d)~~(c) Whenever it is necessary to make an inspection to enforce any of the provisions of this chapter, or other applicable law, or whenever the animal control officer or deputy has reasonable cause to believe that there exists in any building or upon any premises any violation of this chapter or other applicable law, the animal control officer or deputies are empowered to enter and inspect such property at any reasonable time and perform any duty imposed upon them by this chapter, but only if the consent of the occupant or owner of the property is given or a search warrant is obtained as follows:

(1) If such property is occupied, the police or animal control officer shall first present credentials to the occupant and request entry explaining the reasons thereof.

(2) If such property is unoccupied, the police or animal control officer shall first make a reasonable effort to locate the owner and other persons having control of the property to present proper credentials and request entry explaining the reasons.

(3) If such entry is refused or cannot be obtained because the owner or the person having control or charge of the property cannot be found after due diligence, a police or animal control officer may obtain a search warrant and conduct a search or inspection of the property.

(4) Notwithstanding any other provision of this chapter, the police or animal control officer shall have the authority to enter upon any property to enforce the provision of this chapter or other applicable law if violation of such law is being committed in the presence of police or animal control officer and in any emergency situations wherein a person or animal needs immediate protection.

(5) The officer may then demand to examine such animal and take possession of it when, in the officer's opinion, it requires removal from the premises and violation of this chapter has occurred.

~~(e)~~(d) No person shall interfere with, hinder or molest the animal control officers in the execution of their duties or seek to release any animal in the custody of the animal control officer, except as provided in this chapter.

~~(f)~~(e) When an animal is found in violation of any one (1) point of this chapter, it need not be impounded, but the animal control officers, at their discretion, may issue to the owner a notice of violation.

Sec. 6-5. - Operation of animal shelter.

The animal shelter shall be operated to impound, care for, quarantine, or euthanize animals held pursuant to this chapter. The animal shelter shall prioritize promoting the adoption of healthy animals to suitable homes or, in the alternative, providing those healthy, adoptable animals to rescue organizations better suited to effectuating the adoption of those animals. The County may enter into contracts with organizations or individuals for the operation of the animal shelter and may contract with municipalities for the use or operation of animal shelters.

Sec. 6-6. - Identification tag.

(a) *Identification tag.* It shall be unlawful for any dog or cat owner who resides in the county to fail to provide their dog or cat over four months of age with an identification tag indicating the owner's name, address, and telephone number. The owner of any above-described animal must have their animal vaccinated and must have a current rabies vaccination tag showing that such animals have been vaccinated. It shall be unlawful for the owner of any dog or cat in the county not to have the dog or cat wear the identification tag and rabies tag. Dogs and cats not wearing such tags may be impounded.

(b) *Rabies tag.* It shall be unlawful for the owner of any dog or cat in the county not to have the dog or cat wear the rabies vaccination tag issued to them by the veterinarian administering the rabies vaccine. Dogs and cats not wearing such tags, and for which the owner cannot promptly display a valid rabies tag, may be impounded. A ferret for which the owner cannot promptly display a valid rabies tag may be impounded.

Sec. 6-7. - Restraint and confinement.

(a) The owner/custodian shall keep his pet under restraint at all times.

(b) Invisible fencing must be clearly marked and labeled (i.e. sign on mailbox post, free standing sign, etc.).

(c) No pet shall be permitted to be off the land where the owner resides, or on other private property with that property owner's permission, unless on a leash at all times.

(d) No person owning or harboring or having the care or the custody of a dangerous animal may permit the animal to go unconfined on his premises. A dangerous animal is unconfined if the animal is not confined securely indoors or confined in a securely enclosed fence or securely enclosed and locked pen or run area upon the person's premises. The pen or run area must be clearly marked as containing a dangerous 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. The animal must not be removed from such building or enclosure unless the pet is securely muzzled and under restraint on a leash, bridle, or other device of sufficient strength to handle the animal and requiring a person to control the animal; the person using such restraint must be at least eighteen (18) years of age and physical size or ability to reasonably restrain the animal.

(e) Any person reporting a violation of this section must identify himself to the animal control officer and must sign a nuisance violation.

(f) If an animal control officer observes an animal at large, ~~they~~ the animal control officer may pursue the animal onto private property.

(g) No pet shall be kept on a property that the owner/custodian does not occupy on a permanent basis.

(h) Exemptions:

(1) No hunting dog is required to be constrained by a leash while it is actually engaged in hunting game during hunting season and while under supervision. As used in this section, "supervision" means that the owner of the hunting dog or his designee is either in the vicinity of the hunting dog or in the process of trying to retrieve the hunting dog and the hunting dog is under voice or electronic tracking control.

(2) No assistance dog is required to be constrained on a leash while it is engaged or prepared to engage in assisting the owner and while under supervision. As used in this section, "supervision" means that the owner of the assistance dog or his designee is in the vicinity of the assistance dog and the assistance dog is under voice or electronic tracking control.

(3) No working dog or trained guard dog is required to be constrained by a leash while it is actually engaged in the working of livestock or protection while on the property of the owner or the property of another with consent of the landowner and the working dog or the trained guard dog is under voice or electronic tracking control. The working or trained guard dog is allowed to cross an intersecting public right-of-way while actually engaged in the working of livestock or protection.

Sec. 6-8. - Impoundment.

a. Any domesticated or exotic animal that is found to be un-owned or to be in violation of any provision of this chapter is subject to immediate impoundment if the animal's owner is non-existent, unknown, or found to be unavailable after a reasonable attempt to identify, locate, and/or notify the animal's owner has been made. Any animal that is so impounded shall be held by the shelter for five (5) ~~working~~ calendar days~~, excluding the day of impoundment~~.

b. If the owner of the animal appears during the five-day holding period, the owner may redeem the animal by paying the applicable impoundment and boarding fee, the microchip fee, any and all outstanding civil citations that may have been issued pursuant to a violation of this chapter, and also by bringing the animal into full compliance with all provisions of this chapter and any applicable state law. The owner shall also consent to have the animal microchipped at his expense. The animal shall not be released to the owner until the owner has fully complied with the above requirements. The owner shall have ten calendar days from when they first appear ~~and~~ to claim the animal in which to accomplish such compliance and redeem the animal. The owner shall be responsible for a boarding fee for the entire time the animal is held by the shelter. Failure to do so shall result in the forfeiture of the animal to the shelter. The animal ~~control~~ shelter director may grant a time extension to any owner actively attempting to redeem their animal.

c. ~~Any animal impounded under the provisions of this article and not claimed by its owner within five (5) business days becomes the property of county animal control and may be humanely destroyed or placed for adoption.~~ After any animal has been impounded for five calendar days and is unclaimed by its owner, and after the animal shelter employees have made a good faith effort to contact the identified owner as required by Section 47–3–540, the animal shelter employees, unless

the animal must be kept pending disposition of a criminal or civil trial involving the animal or unless a hearing on the disposition of the animal is held prior to the 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.

d. Notwithstanding subsection (c), a litter of unidentifiable dogs or cats four months of age or younger may be turned over to any organization established for the purpose of caring for animals immediately, so long as the litter is turned over for life-saving purposes.

e. Nothing in this section shall prevent the forfeiting an impounded animal pursuant to any other provision of this chapter or state law.

f. Any animal owner may elect to have his dog or cat spayed or neutered at the time it is reclaimed and in such case one-half the applicable impoundment and boarding fee, one-half the microchip fee, and one-half the cost of any necessary vaccinations administered by the county animal shelter shall be waived. The animal shall remain at the shelter until the next available surgery day and must be picked up by the owner no later than forty-eight (48) hours after surgery.

Sec. 6-9. - Redemption.

a) ~~The owner shall be entitled to resume possession of an impounded pet, except as provided in this section in the cases of certain pets, upon providing proof of a current rabies inoculation for the pet being held and proper identification requirements and the payment of redemption fees set forth in this section.~~ The owner or keeper of any pet that has been impounded under the provisions of this chapter, and which has not been found to be dangerous or vicious, shall have the right to redeem such pet at any time within five (5) days upon payment of all actual costs expended for the care and treatment of the pet, including the actual cost of: (1) all required inoculations and medical care;(2) the spay or neuter procedure which shall be required prior to redemption if the pet is not spayed or neutered; (3) in the case of dogs, the cost of installing a microchip should one not already be present; and a daily fee as determined from time to time by the Lancaster County Council.

b) ~~In the case of a dangerous dog that the owner has failed to control properly, and which has been impounded, redemption may be made only with the consent of the animal control director.~~ Any animal determined by an appropriate magistrate, as provided for in Section 6-16, to be a dangerous or vicious animal but eligible for redemption may be redeemed, with five (5) days of the order of the magistrate, upon the following conditions:

1. The owner or person harboring or having the care or the custody of the redeemed animal shall not permit the animal to go unconfined on his premises as provided in Section 6-7, above;
2. The owner or person harboring or having the care or the custody of the redeemed animal shall pay all actual costs expended for the care and treatment of the pet, including the actual cost of: (A) all required inoculations and medical care and (B) the spay or neuter procedure if the pet is not spayed or neutered, as well as a daily fee as determined from time to time by the Lancaster County Council.

c) The owner of an impounded pet must apply for the redemption of his pet. The pet may not be released unless authorized by the animal control officer with assurance from the owner that proper care and custody will be maintained.

d) The fees in this subsection shall be collected from the owner by animal services and turned over to the county treasurer, who shall make a monthly accounting of such funds. Fees shall be established as part of the annual county budget ordinance.

e) If an owner redeeming a pet cannot show proof of a current rabies inoculation for the pet being held, the owner shall be required to bring proof of inoculation within five (5) business days.

f) An owner of animal that is redeemed pursuant to provisions Section 6-9(a) or (b) above will not be required to spay or neuter the animal if any of the following conditions apply:

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 the spay/neuter surgery; or
2. Any owner of one or more purebred pets who can furnish proof of participation in nationally recognized conformation or performance events; or
3. Any owner of a dog that is currently being used for hunting purposes and is properly registered with the South Carolina Department of Natural Resources and whose owner has a valid South Carolina hunting license (provided, however, that if such dog is not properly registered with the South Carolina Department of Natural Resources then the owner has three (3) days if necessary to register such dog and the failure to do so within three (3) days will result in the dog becoming the property of Lancaster County animal shelter); or
4. Any individual who is handicapped and who owns a dog which is used for seeing, hearing, or other such assistance purposes.

Sec. 6-10. - Adoption.

(a) Any pet impounded under the provisions of this article may, at the end of the legal detention period, be adopted by a person deemed to be a responsible and suitable owner, who will agree to comply with the provisions of this article. All required fees must be paid at the time of adoption in addition to an adoption fee. Those individuals adopting puppies or kittens too young to receive rabies inoculation must agree to have the puppy or kitten inoculated upon reaching the recommended age.

(b) No unsterilized pet, which has been impounded by animal services, shall be allowed to be adopted unless the owner agrees to have it sterilized within forty-five (45) days. Those individuals adopting puppies or kittens too young to be sterilized must agree to have the puppy or kitten sterilized prior to reaching six (6) months of age, unless a veterinarian certifies that such surgery would threaten the life of the animal.

Sec. 6-11. - Nuisance animals.

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

(1) Having an animal that disturbs the rights of, threatens the safety of or injures a member of the general public or interferes with the ordinary use and enjoyment of his property;

(2) 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) Maintaining animals in an environment of unsanitary conditions or lack of cleanliness which results in offensive odor or is dangerous to the public health, welfare or safety, or failing to maintain a condition of good order and cleanliness which reduces the probability of transmission of disease;

(4) Maintaining property 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;

(5) Allowing or permitting an animal to bark, whine, howl, crow, cackle, or cause noise in an excessive, continuous or untimely fashion so as to interfere with the reasonable use and enjoyment of neighboring premises;

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

(7) Maintaining an animal that habitually or repeatedly chases, snaps at, attacks or barks at pedestrians, joggers, dogs walked on a leash by owners, bicycles or vehicles;

(8) Failing to confine a female dog or cat while in season in a building or secure enclosure in such a manner that she cannot come into contact with another dog or cat or creates a nuisance by attracting other animals. However, this subsection shall not be construed to prohibit the intentional breeding of animals within an enclosed, concealed area on the premises of the owner of an animal which is being bred; or

(9) Failing to remove feces deposited by ~~a dog~~ an animal on any public street, sidewalk, gutter, park or other publicly owned property or private property unless the owner of the property has given permission allowing such use of the property. This subsection shall not apply to visually impaired persons who have charge, control or use of guide dogs or persons using dogs in conjunction with activities of a law enforcement agency.

(b) Any person reporting a violation of this section must identify himself to the animal control officer and must sign a nuisance violation. Anonymous reports of alleged nuisances under this section shall not be investigated solely on the basis of the anonymous report.

(c) In addition to any other enforcement remedies available under this chapter, if the animal control ~~director~~ officer shall declare an animal a nuisance under this section, the ~~director~~ officer has the authority to order the owner to confine the animal or otherwise abate the nuisance. It shall be unlawful for the owner to fail to comply with such an order or with the instructions in the order.

Sec. 6-12. - Abandonment and maltreatment.

(a) It shall be unlawful for the owner/custodian of any pet in the county to abandon it.

(b) It shall be unlawful for anyone in the county to treat any pet in a cruel and/or inhumane manner. It shall be unlawful if a person negligently or willfully:

(1) Fails to provide adequate wholesome food and sanitary, drinkable water, both in suitable containers for such purposes, for any animal he owns, possesses, or harbors;

(2) Overworks or overdrives any animal causing physical pain, suffering or death;

(3) Beats, tortures, injures, torments, poisons or mutilates any animal causing physical pain, suffering or death;

(4) Fails to provide adequate medical attention for any sick, diseased or injured animal he owns, possesses, or harbors;

(5) Keeps any animal under unsanitary or inhumane conditions which are detrimental to the animal's health and general welfare or fails to maintain a condition of good order and cleanliness which reduces the probability of transmission of disease;

(6) Teases, molests, or in any way bothers or harasses any animal;

(7) Promotes, stages, holds, manages, conducts, carries on or attends any fight or combat between one or more animals or between animals and humans;

(8) Fails to provide an adequate shelter for an animal he owns, possesses, harbors, or encloses, wherein the animal can be protected from extremes of weather (heat, cold, rain, etc.) and allowed to remain dry and comfortable during inclement weather. <u>From November 1 through March 1 the shelter must contain non-absorbable insulation such as shavings or straw;</u>

(9) Places or confines an animal or allows an animal to be placed or confined in a motor vehicle under such conditions or for such a period of time as to endanger the health or well-being of such animal due to temperature, lack of food or drink, or such other conditions as may reasonably be expected to cause suffering, disability or death:

A. After making a reasonable effort to find the driver of a vehicle in which an animal is confined, an animal control officer, ~~in the presence of a~~ <u>or a</u> police officer, may use the least intrusive means to break and enter the vehicle if necessary to remove the animal where probable cause exists to believe that the animal is in the vehicle in violation of this subsection.

B. The officer removing the animal shall then impound it and leave in a prominent place on the motor vehicle a written notice of the animal's impoundment, a brief description of the animal, and where and when the animal may be reclaimed. In addition, the officer may also use any other enforcement method authorized by section 3-33.

C. So long as an animal is within sight of an animal control officer or a police officer, section 3-32 shall not be interpreted to require that any warrant be obtained before removing the animal so long as such removal is otherwise consistent with the United States Constitution.

(10) Fails to provide sufficient shade, when sunlight is likely to cause overheating and discomfort, to allow all animals kept outdoors to protect themselves from the direct rays of the sun; or

(11) Keeps animals outdoors without access to shelter to allow them to remain dry and comfortable during inclement weather.

(12) Restrain an animal in a cruel manner by tethering, fastening, chaining, tying, attaching, or otherwise restraining an animal to a tree, fence, post, or other stationary object or a running line, pulley, cable trolley system, or similar system by means of a chain, rope, tether, leash, cable, or similar restraint under circumstances in which the person intends to endanger the animal's health or safety, or the person reasonably should have known would endanger the animal's health or safety. This includes, but is not limited to, a restraint that:

A. Restricts an animal's movement for such an unreasonable period of time that the animal's health or safety is endangered;

B. Is of a weight that excessively burdens an animal;

C. Causes an animal to choke or causes bodily injury to an animal;

D. Is too short for an animal to move around or for an animal to urinate or defecate in a separate area from the area where the animal must eat, drink, or lie down; but in no case may the restraint be less than ten (10) feet in length and the restraint must have swivels on both ends and weigh no more than ten percent (10%) of the animal's estimated body weight;

E. Is situated such that an animal will likely become entangled;

F. Does not permit an animal access to sustenance and shelter;

G. Does not permit an animal to escape reasonably foreseeable harm;

H. Is attached to an animal by means of a collar, harness, or similar device that is made of chain, cable, or rope or is not properly fitted for the age and size of the animal such that the collar, harness, or similar device causes trauma or injury to the animal; or

I. Is attached to an unsupervised animal by means of a choke-type or pronged collar.

J. Nothing in this section shall prohibit a non-compliant restraint from being used for veterinary treatment or animal grooming purposes.

(13) Hoard animals.

(c) *Euthanizing exception.* Nothing in this section shall be construed to prohibit the animal control officers or veterinarians from euthanizing dangerous, unwanted, injured or diseased animals in a humane manner; nor to prohibit slaughterhouses or medical facilities from the proper, humane and lawful carrying out of their activities or duties.

Sec. 6-13. - Dangerous dogs.

(a) The animal control ~~director~~ officer shall have the authority to determine if there is probable cause a dog is a dangerous animal as defined in this chapter. Animal control must notify the owner/custodian of the dog in writing that the dog has been alleged to be dangerous. If the owner consents to the finding in writing, the owner may comply with the requirements of this chapter and no further action will be taken. If the owner desires to contest the finding

of the animal control ~~director~~ officer, the animal control ~~director~~ officer shall petition the magistrate's court to maintain impoundment of the dog pending a hearing to determine if the dog is dangerous. If the magistrate subsequently declares the dog not to be dangerous, there shall be no fee for maintaining the dog at the animal shelter.

(b) The owner of a dangerous dog shall notify animal services if any changes occur with the following:

(1) Ownership of the dog.

(2) Name, address and telephone number of a new owner/custodian.

(3) Address change of the owner/custodian or any change in the location in which the dog is housed.

(4) Any change in the health status of the dog.

(5) Death of the animal.

(c) If the dog is outdoors and attended, the dog shall be muzzled, on a leash no longer in length than three (3) feet, of sufficient tensile strength for the type of animal being controlled and under the control of the owner/custodian.

(d) If the dog is outdoors and unattended, the dog must be locked in an escape-proof kennel. Minimum standards shall include the following:

(1) Fencing materials shall be of nine (9) gauge or less wire and shall not have openings with a diameter of more than two (2) inches.

(2) Any gates within such pen or structure shall be padlocked and of such design to prevent the entry of children or the escape of the dog.

(3) The required pen or structure shall have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides shall be imbedded into a minimum of four (4) inches of concrete.

(4) The pen or structure shall protect the animal from the elements.

(5) A universal sign denoting a dangerous animal shall be displayed on all four (4) sides of the pen or structure.

(6) The pen or structure shall be of sufficient size for the type of animal being contained therein.

(7) If a dog is found to be a dangerous animal by consent of the owner or by declaration of the magistrate after a hearing, the dog must be microchipped at the owner's expense.

(8) If a dog is found to be a dangerous animal by consent of the owner or by declaration of the magistrate after a hearing and is at any time kept inside the owner's residence, a universal sign denoting a dangerous animal shall be displayed on each entrance door to the residence.

(e) In addition to the requirements of this article, the requirements contained in Article 13, Chapter 3, Title 47 of the Code of Laws of South Carolina 1976, as amended, apply and are adopted by reference as if set out in this article in its entirety. The owner of a dog found to be a dangerous animal by consent of the owner or by declaration of the magistrate after a hearing shall cause an endorsement to be made to the liability insurance policy or the surety bond required by Section 47-3-760(E) of the Code of Laws of South Carolina allowing and requiring the liability insurer or the surety to notify the Lancaster County Sheriff's Office if the policy or the bond is suspended or cancelled for any reason.

(f) Unless a newly declared dangerous animal can be properly secured by the owner, a dangerous animal shall be held at the shelter, or a secure veterinary facility or Humane Society shelter, pending construction of the necessary enclosure or pending trial.

Sec. 6-14. - Protection against dangerous animals.

Any person who finds an animal on his property in the act of chasing, charging, attacking, biting, leaping at or destroying any person, pet, cattle, sheep, horses, mules, goats, hogs or domestic fowl, and which exhibits fierceness or hostility by snarling or the baring of teeth or the bristling of hair may use reasonable force, including deadly force, to repel the animal even if such animal wears owner identification and rabies tags, if such force is necessary to prevent injury.

Sec. 6-15. - Injured, diseased and dead animals.

(a) Any ~~pet~~ animal received by animal services in critical condition from wounds, injuries or disease may be destroyed at the discretion of the animal ~~services~~ shelter director ~~and/or the animal services coordinator~~ if the owner/custodian cannot be contacted. If the pet is suffering great pain, it may be destroyed immediately.

(b) The owner/custodian of any ~~pet, which dies,~~ animal which dies shall immediately provide for its burial or cremation if he knows of its death and the location of its remains. If by burial, the body must be buried within forty-eight (48) hours of the death of the animal at least three (3) feet underground. The owner/custodian of any dead animal may not dispose of the dead animal or any part of a dead animal in any lake, pond, creek, road, street, alley, or lane or on public property or the property of another without the landowner's consent.

(c) The animal control officer shall cause to be collected by the Lancaster County Public Works Department or the South Carolina Department of Transportation, as indicated, all

dead ~~domestic~~ animals found on public grounds or roadways of the county. If the animal is identifiable, the animal control officer will notify the owner/custodian of the animal as soon as practical.

(d) Any owner/custodian of a dead animal who fails to properly dispose of the dead animal shall pay all costs incurred by the public authority for proper disposal of the dead animal.

Sec. 6-16. - Enforcement of article.

(a) The provisions of this article shall be enforced by ~~animal services under the supervision of the director~~ animal control officers in all unincorporated areas of the county except wherein the governing body of any municipality, ~~by resolution filed with the clerk to county council, so indicates that it desires the provisions of this article be enforced within the jurisdictional limits of the respective municipality.~~ by written agreement with the Sheriff of Lancaster County and the County of Lancaster pursuant to Article VIII, Section 13 of the Constitution of the State of South Carolina and Section 4-9-40 of the Code of Laws of South Carolina, has agreed that the provisions of this article shall be enforced by animal control officers within the corporate limits of the municipality under such terms and conditions set forth in any such written agreement.

~~(b) The animal services' staff shall be appointed as county code enforcement officers.~~

~~(c)~~(b) If the animal control officers are unable to respond to complaints, the County Sheriff's ~~department~~ Office's deputies or other authorized law enforcement ~~agency~~ officers may respond to complaints.

~~(d)~~(c) Persons empowered to enforce this article shall have the authority to destroy any animal, which appears to be dangerous, and may endanger their safety or the safety of other persons or animals.

~~(e)~~(d) The animal control officers will, if necessary, obtain a search warrant to enter any premises upon which it is suspected a violation of this article exists. The officer may demand to examine such pet and take possession of the pet when, in his opinion, it requires removal from the premises.

~~(f)~~(e) No person shall interfere with, hinder or molest the animal controls~~' staff~~ officers or other authorized law enforcement officers in the execution of their duties, or seek to release any pet in the custody of animal ~~services~~ control officers or the animal shelter.

~~(g)~~(f) When an animal is found in violation of any provision of this article, animal control officers, at their discretion, may:

1. Impound the animal.
2. Issue a notice of violation.
3. Issue a court summons.

Sec. 6-53. - Penalty for violation of article.

Any person convicted of refusing to comply with the provisions of this article or violating any of the provisions hereof shall be guilty of a misdemeanor and, upon conviction, shall be fined and/or imprisoned as provided for in section 1-10 of the Lancaster County Code of Ordinances for each offense. ~~Lancaster County Animal Control~~ Animal control officers may take immediate possession of an exotic animal and transfer the exotic animal to a rescue group outside of Lancaster County.

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Section 2. Severability.

If any section, subsection or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

Section 3. Conflicting Provisions.

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other County ordinances, the provisions contained in this ordinance supersede all other provisions and this ordinance is controlling.

Section 4. Effective Date.

This ordinance is effective upon Third Reading.

<signature page follows>

AND IT IS SO ORDAINED

Dated this 20th day of JULY, 2020.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading:	June 8, 2020
Second Reading:	June 22, 2020
Public Hearing:	June 22, 2020
Third Reading:	July 20, 2020

Approved as to form:

for John DuBose

John DuBose, County Attorney