



STATE OF SOUTH CAROLINA)
)
 COUNTY OF FAIRFIELD)

ORDINANCE NO. 535

AN ORDINANCE TO AMEND ORDINANCE NO. 321, ESTABLISHING THE RULES AND REGULATIONS PERTAINING TO ANIMAL CONTROL IN FAIRFIELD COUNTY, AS FOLLOWS: ARTICLE I, SECTION 4.B, LINE 1 IS AMENDED BY STRIKING THE WORD "TWENTY-ONE" AND REPLACING IT WITH THE WORD "TEN"

In order to promote the health, safety, and welfare of the community and protect the property rights of the citizens of Fairfield County, now therefore, BE IT ENACTED BY THE COUNCIL OF FAIRFIELD COUNTY AS FOLLOWS:

ARTICLE I – DOGS AND OTHER DOMESTIC PETS

Section 1. (Animal Shelter)

Any premises so designated by County Council for the purpose of impounding, caring for, and disposing of all pets found in violation of these rules and regulations. (State Law Reference: Title 47, Chapter 3 of the South Carolina Code of Laws of 1976, as amended.)

Section 2. (Animal Control Officer)

Any person(s) employed by the County as the enforcement officer(s) of the provisions of this Ordinance.

Section 3. (Inoculation)

In accordance with Section 47-5-60 of the South Carolina Code of Laws, 1976, as amended, every owner of a pet shall have the pet inoculated against rabies at a frequency to provide continuous protection of the pet from rabies using a vaccine approved by the South Carolina Department of Health and Environmental Control and licensed by the United States Department of Agriculture Veterinary Biologics Division. Evidence of

such inoculation shall consist of a certificate signed by a licensed veterinarian. The certificate must include information recommended by the National Association of State Public Health Veterinarians. The licensed veterinarian administering the vaccine shall provide one copy of the certificate to the owner of the pet and must retain one copy in his files for not less than three years. With the issuance of the certificate, the licensed veterinarian shall furnish a serially numbered metal license tag bearing the same number and year as the certificate with the name and telephone number of the veterinarian, veterinary hospital, or practice. The metal license tag at all time should be attached to a collar or harness worn by the pet for which the certificate and tag have been issued.

Section 4. (Quarantine of Dogs Found Running At Large)

A. In accordance with 47-3-40 of the South Carolina Code of Laws of 1976, as amended, the Animal Control Officer(s) shall pick up and quarantine any dog running at large. The Animal Control Officer shall notify the owner of any quarantined dog by registered mail at his last known address, when such owner can be determined from tags or other sources of information. To obtain release of his dog, an owner or keeper must satisfy the animal shelter personnel that the dog is currently inoculated against rabies and also pay a quarantine fee of twenty-five dollars. Payment of this fee shall bar prosecution under 47-3-50 of the South Carolina Code of Laws of 1976, as amended. All fees so collected shall be delivered to the county treasurer for deposition in the general fund of the county.

B. After any dog, which cannot be positively identified, has been quarantined for ten days and is unclaimed by its owner, the animal shelter employees may dispose of such dog by a humane form of destruction or such dogs may be turned over to any

organization established for the purpose of caring for animals such as the Humane Society. (State Law Reference: 47-3-60) For the purposes of this section. "humane form of destruction" means any of those methods of euthanasia allowable by South Carolina State Law, 47-3-420 of the 1976 Code, as amended.

- C. If a dog has been positively identified and its owner notified by registered mail, the owner must notify the Animal Control Officer(s) within two weeks that he will pick up his dog. If the owner does not pick up his dog within two weeks of notification to the Animal Control Officer, the dog may be destroyed. Reasonable costs for this extending holding period, including the cost of mailing the required notice must be paid, in addition to the \$25.00 quarantine fee, before the dog is returned to its owner. (State Law Reference: 1976, 47-3-540)

Section 5. (Liability of Owner or Person Having Dog in His Care)

- A. Whenever any person is bitten or otherwise attacked by a dog while the person is in a public place or is lawfully in a private place, including the property of the owner of the dog or other person having the dog in his care or keeping, the owner of the dog or other person having the dog in his care or keeping is liable for the damages suffered by the person bitten or otherwise attacked.
- B. For the purposes of this section, a person bitten or otherwise attacked is lawfully in a private place, including the property of the owner of the dog or other person having the dog in his care or keeping, when the person bitten or otherwise attacked is on the property in the performance of any duty imposed upon him by the laws of this State by the ordinance of this County, or by the laws of the United States of America including but not limited to postal regulations, or when the person bitten or otherwise

attacked is on the property or of any lawful tenant or resident of the property. If a person provokes a dog into attacking him then the owner of the dog is not liable.

(State Reference: S.C. Code of 1976, 47-3-110)

Section 6. (Dangerous Animals)

A. As used in this section “dangerous animal” means an animal of the canine or feline family, which falls within the guidelines of the South Carolina State Code Of Laws of 1976, as amended, 47-3-710, et. seq.

B. No person owning or harboring or having the care of the custody of a dangerous animal may permit the animal to go unconfined on his premises. A dangerous animal is “unconfined” as use din this section 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 area 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. However, this section does not apply to an animal owned by a licensed security company and on patrol in a confined area. (State Law Reference: S.C. Code of 1976 47-3-720)

C. No person owning or harboring or having the care of a dangerous animal may permit the animal to go beyond his premises unless the animal is safely restrained. (State Law Reference: S.C. Code of 1976 47-3-730)

D. Any person owning a dangerous animal shall register the animal with the Fairfield County Sheriff’s Department and the registration application shall be accompanied by proof of liability insurance of at least fifty thousand dollars insuring the owner for

personal injuries inflicted by the dangerous animal, as required by state law. (State Law Reference: S.C. Code of 1976 47-3-760)

- E. If the Animal Control Officer(s) or any law enforcement agent has probable cause to believe that a dangerous animal is being harbored, housed or cared for in violation of this section, he may petition the magistrate's court to order the seizure and impoundment of the dangerous animal while trial is pending. (State Law Reference: S.C. Code of 1976, 47-3-760)
- F. If a dangerous animal is found running at large, and if an emergency situation should arise wherein the safety of humans or other animal life is threatened, the Animal Control Officer shall be empowered to use shooting as a means of euthanasia. [State Law Reference: S.C. Code of 1976, 47-3-420(5)]
- G. A person who violates this section, or who is the owner of a dangerous animal which attacks and injures a domestic animal or a human being is guilty of a misdemeanor and must be fined not more than two hundred dollars or imprisoned no more than thirty days. Offenses under this section must be tried in the magistrate's court.
- H. A dangerous animal which attacks a human being or domestic animal may be ordered or destroyed when in the court's judgment the dangerous animal represents a continuing threat of serious harm to human beings or domestic animals.
- I. A person found guilty of violating this article shall pay all expenses, including but not limited to, shelter, food, veterinary expenses for boarding and veterinary expenses necessitated by the seizure of an animal for the protection of the public, medical expenses incurred by a victim from an attack by a dangerous animal, and any

expenses required for the destruction for the animal. (State Law Reference: (S.C. Code 1976, 47-3-760)

Section 7. (Disposition of Unclaimed Animals)

Immediately after impounding or quarantining any pet, the Animal Control Officer(s) shall make a reasonable effort to notify the owner of its impoundment and to inform the owner of the conditions whereby he can regain custody of the pet. Any animal impounded under the provisions of this article and not redeemed by its owner may, at the end of the legal detention period:

- A. Be turned over to any organization established for the purpose of caring for animals such as the Humane Society (or SPCA) or be adopted by any person deemed to be a responsible and suitable owner, who will agree to comply with the provisions of this Ordinance.
- B. All adopted animals must be inoculated against rabies as provided in section 3 of this Article and be spayed and/or neutered.
- C. No animal which has been determined to be a dangerous animal may be allowed to be adopted from the Animal Shelter.
- D. All required fee must be paid at the time of adoption.
- E. Any unclaimed animal, after being confined for the legal detention period, may be disposed of, using a "humane form of destruction" as outlined in South Carolina State Law, 47-3-420 of the 1976 Code, as amended.)
- F. Any diseased animal presented to the Animal Shelter whose owner cannot be identified and whose condition endangers the health of other animals in the shelter

may be euthanatized immediately, notwithstanding any legal detention period. If the owner can be determined, the owner shall be contacted immediately.

- G. Any injured animal presented to the shelter, whose condition is determined by the Animal Control Officer(s) to be in extreme pain, and whose owner cannot be identified, may be euthanatized immediately, notwithstanding any legal detention period. If the owner can be determined, the owner shall be contacted as soon as possible.

Section 8. (Records and Fees)

- A. Accurate records shall be kept by the Animal Control Officer(s) on all animals impounded or quarantined as to whether they are redeemed, adopted, or destroyed.
- B. All fees collected by animal shelter personnel shall be turned over the Fairfield County Treasurer and periodic accounting of such funds shall be made to the County Council.

Section 9. (Municipal Powers Not Limited)

Nothing in this article shall be construed to limit the power of any municipality within the county to prohibit dogs from running at large, whether or not they have been inoculated as herein provided; nor shall anything in this article be construed as to limit the power of any municipality to regulate and control further in such municipality and to enforce other and additional measures for the restriction and control of rabies. (State Law

Reference: S.C. Code of 1976, 47-3-70)

ARTICLE II – DOMESTIC OR DOMESTICATED ANIMALS

Section 1. (Trespassing or Running at Large)

- A. It shall be unlawful for the owner or manager of any domestic animal of any description willfully or negligently to permit any such animal to run at large beyond the limits of his own land or the lands leased, occupied or controlled by him.
- B. Whenever any domestic animals shall be found upon the lands of any other person than the owner or manager of such animals, the owner of such trespassing stock shall be liable for any damages sustained. (State Law Reference: 47-7-130)

Section 2. (Disposal of Feral Dogs)

At the request of any property owner, the Animal Control Officer shall request the South Carolina Wildlife and Marine Resources Department to investigate dogs running at large on private property. If the dogs are determined to be feral dogs (a dog which has reverted to a wild state) and are a threat to the lives or health of livestock, wildlife, or humans, the dogs may be removed or disposed of in the most humane manner as determined by the South Carolina Wildlife and Marine Resources Department. (State Law Reference: S.C. Code of 1976, 47-3-310)

ARTICLE III – EXOTIC ANIMALS

SECTION 1. (Definition of Exotic Animal)

For purposes of this section, an exotic animal shall be defined as one which would ordinarily be confined to a zoo, or one which would ordinarily not be native to this state or county or to North America. It includes, but is not limited to, such animals as mountain lions, tigers, lions, bears, panthers, leopards, wolves, rhinoceroses, elephants,

and other such animals. Exotic animals do not include animals of a species customarily considered at household pets in Fairfield County or animals customarily considered in Fairfield County as domestic farm animals.

SECTION 2. (Keeping of Exotic Animals)

No person, firm or corporation shall keep or permit to be kept on their premises any exotic animal as a pet, for display or for exhibition purposes. It shall be unlawful for any person, firm or corporation to keep, maintain, possess, or have under their control within the borders of Fairfield County any exotic animals. The prohibition of exotic animals is primarily based upon a concern to protect the health, safety, and welfare of the citizens of Fairfield County. This section shall not be construed to apply to zoological parks, performing animal exhibitions or circuses.

Any exotic animals kept in Fairfield County on and/or before the date of the execution date of this Ordinance shall be exempted from the provisions outlined above.

Those exotic animals shall be subjected to the following conditions:

- 1) The Fairfield County Animal Control Officer(s) will have the authority to enter any premises where animals are confined in cages or on open land, pastures, or fields for the purpose of inspecting for proper care and humane treatment of animals and the safety of the surrounding public.
- 2) Any person, firm or corporation keeping or owning exotic animals in Fairfield County shall comply with the guidelines established by the United States Department of Agriculture for the purposes of construction of cages, housing of animals, and subsequent care of animals.

- 3) Any person, firm, or corporation keeping or owning exotic animals in Fairfield County shall have adequate locks upon the cages housing said animals. The Fairfield County Animal Control Officer(s) will have the authority to inspect the locks on any cage housing exotic animals.
- 4) Any person, firm or corporation keeping or owning exotic animals in Fairfield County shall pay a yearly fee of One Hundred (\$100.00) Dollars per location. These fees shall be paid to Fairfield County. Fairfield County shall maintain records of those exotic animals in Fairfield County on and/or before the date of the execution of this Ordinance.
- 5) The owner of any employee of any person, firm or corporation owning exotic animals in Fairfield County as of the date of the execution of this Ordinance must maintain residence on the property where the said exotic animals are housed or must have a representative available on a 24 hour basis.
- 6) There shall be no increase in the total number of animals on the property as of the date of the passage of this Ordinance. Any birth of exotic animals which will exceed the total number of animals established on the property as of the date of the execution of this Ordinance shall be transported outside the boundaries of Fairfield County after a normal weaning period as determined by Animal Control. Any birth of exotic animals kept in Fairfield County shall be reported by the owner to the Fairfield County Animal Control Office within one (1) week of the birth.

Any violation of this section of this Ordinance shall be punished by a fine up to \$500.00 or imprisonment of up to thirty (30) days.

ARTICLE IV – ALL BRUTE CREATURES

SECTION 1. (Cruelty to Animals)

- A. Whoever overloads, overdrives, overworks, or ill-treats any animal, or deprives any animal of necessary sustenance or shelter, or inflicts unnecessary pain or suffering upon any animal, or causes these things to be done, is guilty of a misdemeanor and upon conviction shall be punished by a fine of \$200.00 or thirty days in jail. An offense under this section shall be tried in magistrate's court.
- B. Whoever tortures, torments, needlessly mutilates, cruelly kills, or inflicts excessive or repeated unnecessary pain or suffering upon any animal or causes the acts to be done, is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of \$200.00 or thirty days in jail. An offense under this section shall be tried in magistrate's court. (State Law Reference: S.C. Code of 1976, 47-7-110)

SECTION 2. (Abandonment)

- A. It shall be unlawful for a person to abandon an animal. As used in this section "abandonment" is defined as deserting, forsaking, or intending to give up absolutely an animal without securing another owner or without providing the necessities of life. "Necessities of life" include:
- 1) Adequate water which means a constant access to a supply of clean, fresh, and potable water provided in a suitable manner for the species at least once daily;
 - 2) Adequate food which means provisions at suitable intervals of quantities of wholesome foodstuff suitable for the species and age,

sufficient to maintain a reasonable level of nutrition to allow for proper growth and weight.

- 3) Adequate shelter which means shelter that reasonably may be expected to protect the animal from physical suffering or impairment of health due to exposure to the elements or adverse weather.

B. A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not less than two hundred dollars or imprisoned not more than thirty days, or both. Offenses under this Article must be tried in the magistrate's court. (State Law Reference: S.C. Code 1976, 47-1-70.)

Section 3. (Disposal of Unclaimed Animals)

The burying of dead animals shall be the responsibility of the owner of said animal or the responsibility of the property owner where said animal died.

Section 4. (Rabies Control)

- A. The Animal Control Officer(s) will cooperate with the Fairfield County Health Department in the enforcement of the South Carolina Rabies Control Act for the purposes of investigations and quarantines.
- B. When a pet owner or any person has knowledge or suspects that a pet or other animal is affected by rabies or has been bitten by an animal affected by rabies he/she shall forthwith notify the Animal Control Officer(s), and/or the County Health Department, stating precisely where the animal may be found.
- C. The Animal Control Officer(s) shall immediately inform the County Health Department upon receipt of any information concerning an animal bite or a possible animal bite.

- D. The Animal Control Officer(s), in conjunction with the County Health Department, shall arrange for the confinement, examination, or destruction of the biting or attacking animal, in accordance with Section 47-5-100 of the South Carolina Code of Laws, 1976, as amended. Any animal bitten by another animal suspected of having rabies shall be confined according to the stipulations contained in Section 47-5-110 of the South Carolina Code of Laws, 1976, as amended. (State Law Reference: 47-5-10, et. seq.)
- E. The Animal Control Officer(s) shall keep accurate records of all reported cases involving animal bites.

ARTICLE V – Enforcement

- A. The provisions of this Ordinance shall be enforced by the Animal Control Officer(s) under the supervision of the County administrator and the County Health Department.
- B. In case of emergency and for the purpose of discharging the duties of this article and to enforce its provisions, the duly appointed Animal Control Officers(s) or any Law Enforcement Officer is entitled to enter any premises upon which any animal is kept or harbored and demand evidence of ownership or rabies inoculation.

ADOPTED THIS 8th DAY OF October, 2007 BY ORDER
OF THE FAIRFIELD COUNTY COUNCIL.

David L. Ferguson Sr.
David L. Ferguson, Chairman

R. David Brown
R. David Brown, Member

James E. Branham
James E. (Eddie) Branham, Member

Mikel R. Trapp
Mikel R. Trapp, Member

Kamau Marcharia
Kamau Marcharia, Vice Chairman

Mary Lynn Kinley
Mary Lynn Kinley, Member

Dwayne Perry Sr.
Dwayne Perry, Member

ATTEST:

Shryll M. Brown
Shryll M. Brown, Clerk to Council

First Reading:	September 10, 2007
Second Reading:	September 24, 2007
Third Reading:	October 8, 2007
Public Hearing:	October 8, 2007