

Chapter 3. Animals

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Chapter 3. Animals

This chapter derives SC Code, Title 51, Chapter 15 §20 et seq; Ordinance #11-14 entitled "Recreation Ordinance", adopted September 12, 2000, and generally accepted municipal practices. (See Chapter 16, this Code, for cross-reference).

Article I. In General

3.201. Authority for and Enactment of Chapter.

This article is hereby authorized by S.C. Code 1976, § 47-3-20, as amended.

3.202. Definitions

Whenever used in this chapter, unless a contrary intention is clearly evidenced, the following terms shall be interpreted as herein defined.

- **Abandonment** shall mean to desert, forsake, or intend to give up absolutely a pet or livestock without securing another owner or without providing for adequate food, water, shelter, and care. An animal is considered abandoned when it has been left unattended for 24 hours.
- **Animal** shall mean a live vertebrate creature except a human being.
- **Animal services director** shall mean any person so appointed by the Beaufort County Administrator.
- **Animal services facility** shall mean any facility so designated by the Beaufort County Council.
- **BCAS officer** shall mean any person employed by the County as an enforcement officer of the provisions of this chapter.
- **BCAS** shall mean Beaufort County Animal Services, any place or premises designated by Beaufort County Council for the purpose of impounding, care, adoption, or euthanasia of dogs and cats held under the authority of this chapter.
- **Breeder** shall mean any person owning unaltered pets with the intent of selling pets' offspring.
- **Domestic** shall mean any animal which shares the genetic makeup and/or physical appearance of its ancestors, which were historically domesticated for human companionship and service.
- **Dub** shall mean to trim or remove.
- **Feral** shall mean any animal that was domesticated at one time, but now lives in the wild or a controlled colony, or that have been born in the wild and have not been domesticated.

- **Infraction** shall mean a breach, violation, or infringement of this chapter for which the only sentence authorized is a fine and which violation is expressly designated as an infraction. Infractions are intended to carry a civil penalty without the possibility of jail and thus are non-criminal in nature.
- **Kennel** shall mean a small shelter for a dog, cat or other animal.
- **Livestock** shall mean all classes and breed of animals, domesticated or feral, raised for use, sale or display.
- **Muzzle** shall mean a guard, typically made of straps or wire, fitted over part of an animal's face to stop it from biting or feeding.
- **Non-domestic** shall mean any animal which shares the genetic makeup and/or physical appearance of its ancestors, which were not historically domesticated for human companionship and service.
- **Nuisance** shall mean a pet or livestock 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** shall mean any person who:
 - (1) Has a property right in an animal;
 - (2) Keeps or harbors an animal or who has it in his or her care or acts as its custodian; or
 - (3) Permits an animal to remain on or about any premises occupied by him or her for three or more days.
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- **Pet** shall mean any animal which may be legally held as a pet by a private citizen without special permit or permission; i.e., dog (*canis familiaris*) and/or a domestic cat (*felis catus domesticus*).
- **Pit bull** shall mean any dog that is an American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, American Bulldog, American Bully, Cane Corso, or any dog that exhibits physical characteristics which predominantly conform to the standards established by the American Kennel Club (AKC), United Kennel Club (UKC), or American Dog Breeders Association (ADBA) for any of the above breeds.
- **Provocation** shall mean an intentional action or statement made to incite anger, aggression, annoyance, or a violent response.
- **Serious injury** shall mean death or any physical injury that results in severe bruising, muscle tears, or skin lacerations requiring sutures or other professional medical treatment or requires corrective or cosmetic surgery.
- **Shelter** shall mean a structure made of durable material with four walls, a roof and floor, that allows retention of body heat and is of suitable size to accommodate the animal and will reasonably be expected to protect the animal from physical suffering or impairment of health due to exposure to the elements or adverse weather.
- **Tethering** shall mean a chain, rope, leash, cable, or other device that attaches the pet via a collar or harness to a single stationary point.
- **Unaltered** shall mean a pet which has not been spayed or neutered.
- **Under restraint** shall mean when an animal is prevented from freedom of movement or action; and is on the premises of its owner or keeper or if

accompanied by its owner or keeper and under the physical control of the owner or keeper by means of a leash or other similar restraining device.

3.203. County Pet License; Rabies Vaccination Tags

It shall be unlawful for the owner of any pet to fail to provide any pet over four months of age with a current County annual or lifetime license. The owner of any pet over four months of age must also have a current rabies vaccination tag securely attached to a collar or harness and be visible as proof the pet has been vaccinated by a licensed veterinarian. No County license will be issued unless proof of rabies inoculation is shown. Any pet owner who moves into the County for the purpose of establishing residency shall have 30 days in which to obtain the license.

3.204. Lifetime/Annual Pet License Issuance, Fees, and Exemptions

(a) Eligibility. The owner of a pet, which is four months of age or older and has been spayed/neutered and permanently identified, may apply to BCAS for a lifetime license; the lifetime pet license is only for Beaufort County, South Carolina.

(b) Permanent identification requirement. A person applying for an annual license, or a lifetime license shall choose either a tattoo, a BCAS-approved tag or implantation of a microchip as the means of permanent identification for the pet. Lifetime licenses are transferable to new owners, upon the new owner completing a new BCAS pet license application, permanent identification form, and when applicable, a new registration with the micro-chipping company. For permanent identification of restricted breeds, see Section 4-30.

(c) Pets previously microchipped. If a person has previously had a microchip implanted for his/her pet and seeks to obtain a lifetime license for the pet, the applicant shall:

(1) Obtain and complete both a lifetime license application and a verification of permanent identification form as prescribed by BCAS.

(2) Have a licensed veterinarian or shelter employee scan the pet to assure the microchip has been properly implanted and to obtain the identifying number of the microchip.

(3) The pet owner and the licensed veterinarian shall complete, date, and sign the verification of a permanent identification form for the pet in which the microchip was scanned. The verification of permanent identification form must set forth the identifying number of the microchip scanned, identify the pet by breed and delineate the age, sex, color, and markings and whether it has been spayed or neutered. In addition, it must contain the name, address, and phone number of the pet's owner and the name, business address, and phone number of the person scanning the microchip number. If a veterinarian is involved, the veterinarian shall set forth his/her veterinary practice license number on the verification of permanent identification form.

(d) County license and fees. The Director of BCAS shall establish a fee schedule subject to the approval of County Council. All pet owners of dogs and cats in Beaufort County shall obtain either a lifetime or annual pet license.

(1) Lifetime pet license. To be eligible for a lifetime pet license a pet shall:

- a. Be spayed or neutered;
- b. Microchipped;
- c. Pay the appropriate one-time fee per the published fee schedule.

(2) Annual pet license. All other pets shall be subject to an annual pet license and annual fee, except that the following exemptions may be eligible for a lifetime license:

a. Any owner of a pet who can furnish a statement from a licensed veterinarian that the pet, due to health reasons, could not withstand spay/neuter surgery may receive a lifetime license.

b. Any owner of a dog currently being used for hunting purposes. Owner must provide a copy of a valid State hunting license by the proper State agency and proof that the dog is properly registered with the State Department of Natural Resources.

Under this exemption, the dog owner may receive a lifetime license without spaying or neutering the dog.

3.205. Declaration of Restricted Dog, Appeal of Breed Determination

(a) For the purposes of this section, a restricted dog shall be defined as a pit bull.

(b) No person may own, keep, or harbor a restricted dog in violation of this section.

(c) An owner or custodian of restricted dogs must have the dog spayed or neutered unless the owner of the restricted dog provides BCAS written proof one of the following exemptions applies:

(1) The restricted dog is less than four months of age;

(2) A licensed veterinarian has examined the animal and signed a written certificate stating that at such time spaying or neutering would endanger the animal's health because its age, infirmity, disability or other medical consideration. The certificate shall state the period of exemption from this requirement and shall not be valid for more than 12 months from the date of issuance.

(3) The determination of the dog's breed is under appeal pursuant to Section 4-30;

(4) The owner or custodian has owned or had custody of the dog less than 30 days.

(d) An owner or custodian of a restricted dog must provide for the dog's permanent identification by implantation of a BCAS approved microchip.

(e) Determination of Breed

(1) Determination. The Director of BCAS or his or her designee, in his or her discretion, may make an initial breed determination upon contact with, or impoundment of a dog. The determination shall be made by the Director or designee in accordance with BCAS's breed determination checklist. Technical deficiency in the dog's conformance to the standards defined in Section 4-27 for pit bulls shall not be construed to indicate the dog is not a pit bulldog under this section.

(2) Notice. Upon determination of the breed, the BCAS officer shall deliver written notice of determination to the owner or any adult residing at the premises where the animal is located or by posting on the premises if no adult is present. The notice shall include the determination of breed and state the dog shall be spayed or neutered within ten (10) days of receipt of said notice.

(3) Compliance. The owner or custodian of an unaltered restricted dog shall comply with this article within ten days after receipt of notice of restricted dog determination. Upon compliance, the owner or custodian shall submit written documentation to BCAS confirming compliance. If ownership of the dog is transferred within the time for compliance the original owner or custodian must provide BCAS with the new owner's name and address.

(4). Non-Compliance. If the owner or custodian of a dog determined to be a restricted breed under this Section fails to comply with the requirements of this Section, then a citation shall be issued by a BCAS Officer and a hearing shall be held in the Beaufort County Magistrate Court for a final breed determination. If following a final breed determination by the Beaufort County Magistrate Court, the Court finds the dog to be a restricted breed, the Court shall require the dog to be spayed or neutered within 10 (ten) days and require the owner or custodian to provide written verification to BCAS confirming compliance within the same time period.

If after a final breed determination, the owner or custodian fails to comply with the restricted breed requirements, BCAS shall petition the Beaufort County Magistrate Court for an animal pickup order or a search warrant for the temporary seizure of the dog for the purposes of enforcing the requirements of

this Section. The Owner or custodian of the restricted dog shall be responsible for any and all costs associated with enforcing the requirements of this Section.

3.206. Pet Breeder License, Inspection and Fees

It shall be unlawful for a pet breeder to fail to obtain a County pet breeder license. The requirements for such a license are as follows:

- (a) Individuals engaged or intending to engage in breeding must obtain a non-transferable, pet breeder license from BCAS.
- (b) Applicants must have a valid County annual pet license and microchip for all pets before applying for the pet breeder license.
- (c) BCAS shall conduct an inspection of the identified property for the pet breeders license requested by the applicant to determine whether the applicant qualifies to hold a pet breeder license pursuant to this section.
- (d) To qualify for a pet breeder license the applicant must demonstrate the following:
 - (1) The enclosure where the pets are being kept shall be constructed in such a manner that any pets housed there will be adequately and comfortably kept in any season of the year.
 - (2) All pet enclosures must be constructed in such a manner they can be easily cleaned and sanitized. Any kennels or yards that are connected or are used to confine the pets must be kept clean and free from accumulations of feces, filth, mud, and debris.
 - (3) Every pet on the premises must have access to sufficient good and wholesome food, and water at all times.
 - (4) The premises must be set up in such a manner as to not allow pets to stray beyond its enclosed confines. The setup must also prevent the public and stray animals from obtaining entrance into or gaining contact with any pets on the premises.
- (e) A license will not be issued to an applicant that has pled no contest, or has been found to have violated any Federal, State, or local laws or regulations pertaining to animal cruelty within five years of the date of application.
- (f) The pet breeder license fee published in the fee schedule approved by County Council. The license shall expire 365 days after the date it is issued.

(g) Any violations found under the provisions of this chapter shall be grounds for the suspension of the pet breeder license if deemed necessary by the Beaufort County Animal Services.

3.207. Dangerous Animals

(a) For the purposes of this section, a dangerous or vicious animal shall be defined to be any one of the following:

(1) An animal which the owner knows or reasonably should know has a propensity, tendency, or disposition to attack unprovoked, cause injury, or to otherwise endanger the safety of human beings or domestic animals;

(2) An animal which makes an unprovoked attack that causes bodily injury to a human being and the attack occurs in a place other than the place where the animal is confined;

(3) An animal which commits unprovoked acts in a place other than the place where the animal is confined and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to a human being;

(4) An animal which is owned or harbored primarily or in part for the purpose of fighting or which is trained for fighting;

(5) An animal which is used as a weapon in the commission of a crime.

(b) Notwithstanding paragraph (a) above, a magistrate judge may (or may not) deem an animal a dangerous animal, after considering the totality of circumstances, regardless of location of an attack or provocation, when such an attack results in serious injury to a human.

(c) Declaration of a dangerous animal, confinement requirements, and final determination of danger animal declaration.

(1) Declaration. An BCAS officer or law enforcement officer, in his or her discretion, may make an initial determination that an animal is dangerous. Upon determination, the officer shall deliver written notice to the owner or any adult residing at the premises where the animal is located or by posting on the premises if no adult is present. The notice shall include a description of the animal, a hearing date, confinement requirements and registration requirements.

(2) When, in the discretion of an BCAS officer or law enforcement officer, the animal initially determined to be dangerous has caused injury to another animal or human, the officer may take temporary possession of the animal during the pendency of the final dangerous dog determination hearing before a magistrate judge. When a BCAS officer or law enforcement officer takes temporary

possession of an animal pursuant to this section, the requirements of paragraph 3 of this section shall be held in abeyance during the pendency of a hearing.

(3) Confinement requirements. Every dangerous animal, as determined under this section, shall be confined by the owner within 72 hours of the notice of dangerous dog determination and until the final determination of the dangerous dog declaration:

a. All dangerous animals shall be securely confined within an occupied house or residence or in a securely enclosed and locked pen or kennel, except when leashed as provided in this section. Such pen, kennel or structure must have secure sides and a secure top attached to the sides.

b. No person shall permit a dangerous animal to go outside its confined space unless such animal is securely leashed and muzzled with a leash no longer than six feet in length.

An exception to such animal being muzzled may be made if a muzzle would cause harm to the health of the animal. In order for this exception to apply, the owner shall provide BCAS with a written statement from a licensed veterinarian stating the name and description of the animal, that a muzzle will cause harm to the said animal, and the type of harm which would be caused to the said animal. If this exception is applicable, then the animal shall be required to wear a harness while on a leash.

(4) Final determination of dangerous animal declaration. Notice of a declaration of a dangerous animal constitutes an initial determination that the animal is dangerous or potentially dangerous. A final determination shall be made by the Beaufort County Magistrate Court within 30 days or as soon as practicable. After a final determination and declaration of a dangerous animal by the Beaufort County Magistrate Court, the owner shall adhere to the following requirements:

- a) Insurance Requirement. Owner must provide BCAS with proof of liability insurance or surety bond of at least \$50,000. If proof of liability is provided, it must adhere to the following requirements:
 - i. animal must be specifically referred to by name and description;
 - ii. may not contain exceptions related to liability towards third parties and/or restricted to Owner's real property; and
 - iii. may not contain exceptions related to animal bites or injuries to third parties.
- b) Notice of Dangerous Animal. No person owning or harboring or having the care or custody of a dangerous animal may permit the animal to go unconfined on his/her premises. A dangerous animal is "unconfined" as used in 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 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.

- c) Registration and License. The owner must obtain a dangerous animal registration/license from BCAS and pay a fee on BCAS fee schedule subject to County Council approval.

3.208. Running at Large

(a) Unlawful. It shall be unlawful for any owner or custodian of any dog to permit the same to run at large except on property owned or rented by the owner or custodian. All dogs must be kept under restraint or confinement and under the physical control of the owner or custodian by means of a leash or other physically attached similar restraining device.

1. For the purposes of this Section, the term permit shall be defined as an act, regardless of the intent of the owner or custodian of the dog, which allows or provides opportunity for an action to occur.
2. For the purposes of this Section, the term "run at large" is defined as a dog off the premises of the owner or custodian and not under the physical control of the owner or custodian by means of a leash or other similar restraining device.
3. For the purposes of this Section, the term "under restraint" is defined as when a dog is on the premises of its owner or keeper or if accompanied by its owner or keeper and under the physical control of the owner or keeper by means of a leash or other similar restraining device.

(b) Exempt dogs. Dogs that are participating in hunting events, obedience trials, conformation shows, tracking tests, herding trials, lure courses and other events similar in nature shall not be considered "at large." A dog working in a law enforcement capacity with a governmental agency and in the performance of the dog's official duties.

3.209. Nuisance Pets or Livestock

(a) The actions of a pet or livestock constitute a nuisance when a pet or livestock 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 their property. Determination of a nuisance pet is a lesser-included offense of a dangerous animal determination, as defined in Section 3.207 (14-32 Beaufort County Code).

1. Final determination of a nuisance pet by the Beaufort County Magistrate Court requires that the owner shall:
 - a. If the pet is outdoor and not under restraint, the pet shall be confined to a fenced in area, whereby the height of the fence shall be sufficient to keep the pet contained at all times.
 - b. Regardless of the location, the pet shall not be allowed outside of a fenced in area without being kept under restraint or confinement and under the

physical control of the owner or custodian by means of a leash or other physically attached similar restraining device.

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

(1) Failure to exercise sufficient restraint necessary to control a pet or livestock as required by Section 3.208. (14-33 Beaufort County Code).

(2) Allowing or permitting a pet or livestock 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) Failure to maintain a dangerous animal in a manner other than that which is described in Section 3.207. (14-32 Beaufort County Code).

(4) Maintaining pets or livestock in an environment of unsanitary conditions which results in offensive odors or is dangerous to the pet or livestock or to the public health, welfare, or safety.

(5) Maintaining his or her property in a manner 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 pets or livestock on the property.

(6) Allowing or permitting a pet or livestock to bark, whine, or howl in an excessive, unwarranted, and continuous or untimely fashion, or make other noise in such a manner so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises.

(7) Maintaining a pet or livestock that is diseased and dangerous to the public health.

(8) Maintaining a pet or livestock that habitually or repeatedly chases, snaps at, attacks, or barks at pedestrians, bicycles, or vehicles.

(9) Every female pet or livestock in heat shall be confined in a building or secure enclosure in such a manner as will not create a nuisance by attracting other pets or livestock.

(c) A pet or livestock that has been determined to be a habitual nuisance by BCAS may be impounded and may not be returned to the owner until said owner can produce evidence to demonstrate that the situation creating the nuisance has been abated.

(d) It shall be unlawful for any owner of any animal to allow the animal to disturb any person by excessive, unrelenting, or habitual barking, howling, yelping, or other audible sound. In addition to being a violation of this section, the same is hereby declared to be a public nuisance that may be abated pursuant to the provisions specified in Chapter 4 of this Code.

3.210. Animal Cruelty and Neglect

(a) Animal care generally. It shall be unlawful for an owner to fail to provide his animals with sufficient good and wholesome food, water at all times, proper shelter and protection from weather, and humane care and treatment. It shall be determined a failure to provide sufficient good and wholesome food, or proper shelter and protection from weather when an animal has gone without for a period of twelve (12) consecutive hours.

(b) Mistreatment. It shall be unlawful for a person to beat, cruelly treat, torment, overload, overwork, or otherwise abuse an animal or cause, instigate, or permit any dogfight or other combat between animals or between animals and humans.

(c) Physical alteration. It shall be unlawful for a person to dye or color artificially any animal or fowl, including, but not limited to, rabbits, baby chickens, and ducklings, or to bring any dyed or colored animal or fowl into the County. No person shall crop or dub a pet or livestock's ears or tail or wattle or comb, except a licensed veterinarian.

(d) Abandonment. It shall be unlawful for any owner to abandon an animal as defined in Section 3.202 (14-27 Beaufort County Code).

(1) Abandonment During Named Storm. It shall be unlawful for an individual to abandon an animal and allow an animal to remain in a home, building, fence, cage, coop, crate, or any other structure when any named tropical storm or named hurricane is expected to impact Beaufort County. For the purposes of this section, a tropical storm or named hurricane is expected to impact Beaufort County when a tropical storm watch, warning, or evacuation; or when a hurricane watch, warning, or evacuation is in effect for Beaufort County. This section is applicable to those properties specifically located in Special Flood Hazard Areas as described in the Beaufort County Ordinances.

(e) Unlawful tethering. No person owning or keeping a dog shall chain or tether a dog to a stationary object, including, but not limited to, a structure, dog house, pole, stake, or tree in any manner or by any method that allows the dog to become entangled or injured. A tethering device employed shall not allow the dog to leave the owner's, guardian's or keeper's property. The tether shall be designed for dogs and devices not designed for tethering dogs shall not be used. Only a properly fitted harness, collar or other tethering device specifically designed for the dog may be used. No chain or tether shall weigh more than one-eighths of the dog's body weight. When tethered to a stationary object, the tethering device shall be attached to the dog's harness or collar

and not directly to the dog's neck. Nothing in this section shall be construed to prohibit a person from walking a dog on a hand-held leash. No dog under the age of six months shall be tethered outside for any length of time, unless under direct supervision of an adult over the age of 18 years old.

No animal shall be tethered during any named tropical storm or named hurricane expected to impact Beaufort County or whenever flooding could occur. For the purpose of this section, a tropical storm or named hurricane is expected to impact Beaufort County when a tropical storm watch, warning or evacuation or a hurricane watch, warning or evacuation is in effect for Beaufort County.

(1) A person owning or keeping a dog may confine such dog outside, subject to the restrictions in this section, through the use of any of the following methods:

- a) Inside a pen or secure enclosure; or
- b) A fully fenced, electronically fenced or otherwise securely enclosed yard, wherein a dog has the ability to run but is unable to leave the enclosed yard; or
- c) The length of the tether from the cable run to the dog's collar or harness shall allow continuous access to clean water and appropriate shelter at all times.

(2) Exceptions to the above restrictions on outdoor confinement shall be made for dogs actively engaged in conduct directly related to the business of shepherding or herding cattle or other livestock or engaged in conduct that is directly related to the business of cultivating agricultural products, if the restraint is reasonably necessary for the safety of the dog.

(f) Animal Neglect. It shall be unlawful for an individual or owner who fails to provide sufficient food or water for any period of time, provide inadequate shelter, or in general not adequately care for an animal. The violation of this Paragraph shall be at the discretion of the BCAS Director or BCAS Officer and shall result in the issuance of an administrative citation as provided for in Section 2.222 (Section 14-47 Beaufort County Code)

3.211. Sale of Animals, Pets or Livestock

(a) No person shall sell, trade, barter, auction, lease, rent, give away, or display for commercial purpose, any live animal, pet or livestock on any roadside, public right-of-way, public property, commercial parking lot or sidewalk, or at any flea market, fair, or carnival.

(b) No person shall offer an animal, pet or livestock as an inducement to purchase a product, commodity, or service.

(c) No person shall sell, offer for sale, or give away any animal or pet four weeks of age or younger, except as surrender to Beaufort County Animal Services facility or to a licensed pet rescue organization.

(d) Licensed pet shops, commercial kennels, County animal services facilities, and licensed pet rescue organizations are exempt from the requirements of this section.

(e) Any sale of wildlife will be reported to the South Carolina Department of Natural Resources, United States Department of Agriculture, and United States Fish and Wildlife Service.

3.212. Seizure and Right of Entry to Protect Abandoned, Neglected, or Cruelly Treated Pets or Livestock

(a) Seizure and right of entry. If the owner does not give permission to the BCAS officers for right of entry on private property to examine suspected abandoned, neglected or cruelly treated pets or livestock, the BCAS officers shall petition the appropriate magistrate for an animal pickup order or a search warrant for the seizure of the pet or livestock to determine whether the owner, if known, is able to adequately provide for the pet or livestock and is a fit person to own the pet or livestock.

(b) Citation. The BCAS officers shall cause to be served upon the owner, if known, and residing within the jurisdiction wherein the pet or livestock is found, a written citation at least five days prior to the hearing containing the time and date and place of the hearing. If the owner is not known or cannot be found within the jurisdiction wherein the pet or livestock was found, the BCAS officers shall post a copy of the notice at the property where the animal was seized.

(c) Custody. The pet or livestock shall remain in the custody and care of BCAS until such matter is heard before a magistrate. The magistrate shall make the final determination as to whether the pet or livestock is returned to the owner or whether ownership is transferred to the BCAS whereby the pet or livestock may be put up for adoption or humanely euthanized. If the magistrate orders the return of the pet or livestock to its owner, BCAS shall release the pet or livestock upon receipt from the owner of all redemption fees as described in Section 3.214, below.

(d) Euthanasia. Nothing in this section shall be construed to prohibit the euthanasia of a critically injured or ill animal for humane purposes, as determined appropriate by BCAS.

3.213. Impoundment

(a) Any pet or livestock found within the County in violation of the provisions of this chapter may be caught and impounded by BCAS. BCAS may, thereafter, make available for adoption or humanely euthanize impounded pets or livestock not positively identified or redeemed within five working days.

(b) When a person arrested is, at the time of arrest, in charge of an animal, BCAS may take charge of the animal and deposit the animal in a safe place of custody or impound the pet or livestock at its animal care facility.

(c) The owner of a dog that may be positively identified shall be notified at the owner's last known address by registered mail if attempts by telephone are not successful. The owner has fourteen (14) consecutive days from the date of mailing to contact BCAS for pick-up. If the owner does not pick up the said dog within fourteen (14) consecutive days of notification from BCAS, the dog may be euthanized. Redemption costs will include the cost of mailing, any established costs, fines, fees, or other charges. If the owner does not make contact within fourteen (14) consecutive days of the date of mailing, the pet or livestock will be deemed abandoned and becomes the property of BCAS. For dogs impounded at BCAS, the Director of Animal Services, or his/her designee in agreement with a licensed veterinarian, shall either place the pet or livestock for adoption or have the dog humanely euthanized, pursuant to S.C. Code, § 47-3-540 (Supp. 1999).

(d) Notwithstanding the above, pets or livestock impounded at BCAS, which are deemed by the Director of Animal Services, or his/her designee or a licensed veterinarian to constitute a danger to other pets, livestock or persons at the facility, or which are infectious to other pets or livestock, in pain or near death may be humanely euthanized immediately.

(e) Any pet or livestock surrendered to BCAS may be adopted or euthanized at any time provided there is a completed and signed surrender form on file for the pet or livestock concerned.

(f) Only government agencies or organizations that are contracted with a government agency to perform animal control services have the authority to impound animals. All stray animals must be taken or reported to Beaufort County Animal Shelter and/or affiliated organizations as soon as possible for the mandatory holding period.

3.214. Redemption

(a) The owner or keeper of any pet or livestock 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 or livestock at any time when proper ownership has been confirmed by BCAS personnel; upon payment of a fee as follows:

(1) For a pet or livestock that has not been properly inoculated, licensed, microchipped, and spayed or neutered, the BCAS Director of Animal Services or his/her designee may issue a warning or administrative citation for the first offense at their discretion after a thorough investigation of the circumstances. Redemption fees shall be published on the BCAS fee schedule and be subject to County Council approval.

(2) In addition to the administrative penalty for a pet or livestock not properly inoculated, licensed, microchipped and spayed or neutered, an appropriate microchip license fee, the charge for rabies inoculation, and the cost of spaying or neutering the pet or livestock may be charged to the owner.

(3) Pets or livestock will not be released without proof of inoculation and without an implanted microchip. The requirements of spaying or neutering shall not be waived under the exceptions in subsections 3.204 (e)(1)—(e)(4) when the pet or livestock (as appropriate) has been impounded a second time for any violations of Sections 3.207, 3.208, 3.209 & 3.210. (14-32, 14-33, 14-34, or 14-35 Beaufort County Code).

(b) In addition to the redemption fee, a boarding fee after 24 hours per the published fee schedule per day per pet or livestock shall be paid by the owner or keeper when a pet or livestock is redeemed.

(c) The fees set out in this section shall be doubled for any pet or livestock impounded twice or more within the same 12-month period.

3.215. Adoption

(a) Any pet or livestock impounded under the provisions of this chapter may, at the end of the legal detention period, be adopted provided the new owner will agree to comply with the provisions contained herein.

(b) Any pet or livestock surrendered to BCAS may be adopted at any time provided there is a completed and signed surrender form on file for the pet or livestock concerned.

(c) Those individuals adopting puppies or kittens too young to be neutered or spayed or receive rabies inoculations will pay the cost of these procedures at the time of adoption and be given an appointment for a later time to have these procedures completed. In the event the pet is deceased prior to the appointment date, the applicable portion of the adoption fee will be returned.

(d) The County Animal Services Director or designee shall have the authority to refuse adoption of any animal to any person deemed unable to provide proper shelter, confinement, medical care and food or to any person who has a past history of inhumane treatment of or neglect to pets or livestock. Any person seeking adoption of a pet or livestock more frequently than 90 from the last adoption shall be subject to refusal of adoption. Any person who has been refused adoption of a pet or livestock may appeal his case to the Assistant County Administrator for Public Safety. If any person surrenders an owned pet or livestock to the Animal Services Department, they will not be able to adopt a pet or livestock for 90 days from the date of the original surrender.

3.216. Trapping

(a) It shall be unlawful for any person or business to conduct trapping of any pets, livestock or domestic animals within Beaufort County without prior approval from the Animal Services Department. Any pets, livestock or domestic animals trapped with prior approval from the Animal Services Department will be reported or delivered to the Animal Services Department for purposes of identification of the pet's owner and record keeping of the trapping. It shall be unlawful for any person to remove, destroy, or liberate any trap and/or trapped animal set by the Beaufort County Animal Services Department or enter any animal services vehicle with the intent to rescue or deliver it from the custody of the Animal Services Department. If a trapped animal is in need of immediate attention, the Animal Services Department or 911 will be notified immediately of the animal in distress.

(b) Exemption. Trapping is permitted for hogs.

3.217. Management of Feral Cat Colonies

(a) Definitions.

Caregiver means any person who provides food, water or shelter to or otherwise cares for a feral cat colony and has made application to the Animal Services Department for management of a feral cat colony.

Caregiver manager means any person in charge of a caregiver program.

Ear tipping means straight-line cutting of the tip of the left ear of a cat while the cat is anesthetized.

Feral cat means a cat which currently exists in a wild or untamed state.

Feral cat colony means a group of cats that congregate. Although not every cat in a colony may be feral, non-feral cats routinely congregate with a colony shall be deemed to be a part of it.

Nuisance means disturbing the peace by:

- (1) Habitually or continually howling, crying or screaming; or
- (2) The habitual and significant destruction of property against the wishes of the owner of the property.

Suitable shelter means shelter that provides protection from rain, sun and other elements and is adequate to protect the health of the cat.

TNR means trap, neuter/spay and release.

TNA program means a program pursuant to which cats are trapped, neutered or spayed, vaccinated against rabies, ear tipped or tattooed and released to a designated location of a managed colony.

(b) Feral cat colony management. Feral cat colonies shall be permitted (no fee) by the Beaufort County Animal Services Department and caregivers shall be responsible for applying for the permit for each colony and be entitled to maintain them in accordance with the terms and conditions of the BCAS policy on feral cat colony management, once the permit is approved by Animal Services Department.

3.218. Livestock

(a) All livestock shall be properly housed with adequate food, water and confined within a fenced enclosure. The fenced enclosure shall be maintained in such a manner as to keep any average livestock animal from escaping the enclosed compound and causing damage, accidents or injury to any person or property. No person shall tie, stake or fasten any livestock within any street, highway, road, alley, sidewalk, right-of-way, or other public place within the County or in such manner that the animal has access to any portion of any street, highway, road, alley, sidewalk, right-of-way, or other public place.

(b) Owners or possessors of livestock impounded for violation of this article or any State and/or Federal laws, will be charged in accordance with actual costs of impoundment plus impounding and boarding fees.

(c) Impounded livestock shall be held for a period of 21 days. If such impounded animals are not claimed by the owners during that period of time, the animals may be given to persons willing to accept them, in the discretion of the Beaufort County Animal Services Department.

(d) Exception: No other swine or livestock shall be kept within the corporate limits of Port Royal and Bluffton except as is permissible under the Municipal zoning regulations. No approval shall be granted or continued if such keeping shall constitute a menace to health or welfare of the public. To the extent that other sections within this chapter reference livestock this section shall be controlling.

3.219. Importation of Exotic Animals Prohibited

(a) Definition. An "exotic animal" shall be defined as one which would ordinarily be confined to a zoo, or one which would ordinarily be found in the wilderness of this or any other country or one which is a species of animal not indigenous to the United States or to North America, or one which otherwise causes a reasonable person to be fearful of significant destruction of property or of bodily harm and the latter includes, but would not be limited to, such animals as monkeys, raccoons, squirrels, ocelots, bobcats, lions, tigers, bears, wolves, hybrid wolves, and other such animals or one which causes zoonotic diseases. Such animals are further defined as being those mammals or those

nonvenomous reptiles weighing over 50 pounds at maturity which are known at law as *Ferae naturae*. Wild or exotic animals specifically do not include animals of a species customarily used in South Carolina as ordinary household pets, animals of a species customarily used in South Carolina as domestic farm animals, fish contained in an aquarium, birds or insects.

(b) Unlawful act. It shall be unlawful for any person, firm, or corporation to import into Beaufort County, any venomous reptile or any other exotic animal.

(c) Exceptions. This article shall not apply to following entities:

(1) An entity licensed as a Class R Research Facility by the United States of America or any agency thereof pursuant to the Animal Welfare Act (7 U.S.C. 2131 et seq.).

(2) An entity properly accredited by the Association of Zoos and Aquariums or the Zoological Association of America.

(3) An entity licensed as a Class C Facility by the United States of America or any agency thereof pursuant to the Animal Welfare Act (7 U.S.C. 2131 et seq.) for exhibition not to exceed seven days within a 52-week period.

(4) A team mascot for a university or educational facility.

3.220. Rabies Control Act (S.C. Code § 47-5-10)

This law is strictly enforced by South Carolina Department of Health and Environmental Control (DHEC) in cooperation with Beaufort County Animal Services Department and any State, County or Municipal law enforcement agencies.

(1) *Vaccinations*. It shall be unlawful for any owner of a dog or cat four months of age or older to fail to have such animal vaccinated against rabies, unless recommended otherwise by veterinarian for medical reasons. All dogs and cats shall be vaccinated at four months of age (unless recommended otherwise by veterinarian) and revaccinated thereafter at the expiration of the validity of the vaccine used, as shown on the written document prepared by a licensed veterinarian. The vaccination shall be valid for the period shown on the document. Any person moving into Beaufort County from a location outside Beaufort County shall comply with this section within 30 days after having moved into the Beaufort County by having the animal vaccinated or showing proof of current, valid vaccination. If the dog or cat has inflicted a bite on any person or another animal within the last ten days, the owner of said animal shall report such fact to a veterinarian, and no rabies vaccine shall be administered until after the required observation or quarantine period.

(2) *Proof of vaccination*. It shall be unlawful for any person who owns a vaccinated animal to fail or refuse to exhibit his copy of the certificate of vaccination upon demand

to any person charged with the enforcement of this chapter. A current rabies tag, if provided by the veterinarian administering the vaccine, shall be attached to a collar, harness or other device and shall be worn by the vaccinated dog or cat at all times. The requirement for a dog to display a current rabies tag shall not apply to a dog that is displaying a current dog license tag affixed to a collar, harness or other device worn on the dog

(3) Harboring unvaccinated dogs and cats. It shall be unlawful for any person to harbor any dog or cat that has not been vaccinated against rabies, as provided herein, or that cannot be identified as having a current vaccination certificate.

(4) Non-transferability. Vaccination certificates and tags are not transferable and cannot be used for any animal other than the animal that received the vaccination and for which the certificate was originally issued.

(5) Exceptions. No person charged with violating 3.220 rabies control shall be convicted if he produces in court a bona fide and valid certificate of vaccination that was in full force and effect at the time of the alleged violation.

3.221. Interference with a BCAS officer

It shall be unlawful for any person to interfere with, hinder, or molest a BCAS officer in the performance of his or her duties or seek to release any pet or livestock in his/her custody without his/her consent.

3.222. Enforcement and Penalties

(a) The BCAS officer shall be charged with the responsibility of enforcing all ordinances enacted by the County and contracts entered into with the County for the care, control, and custody of pets or livestock covered by this article. All violations of this article shall be heard by the Beaufort County Magistrate Court.

(b) The provisions of this article shall not apply to any dog or cat owned within the confines of any incorporated Municipality within the County, unless and until the governing body of a Municipality requests in writing that County Council include the area of such Municipality within the coverage of this article, and County administration has acted favorably on such request and has so notified such Municipality of its approval of such request.

(c) Any person who violates the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to a fine not exceeding the maximum allowed within the jurisdiction of the Magistrate Courts or imprisonment not exceeding 30 days, or both. However, infractions as provided in paragraph (e) below, are intended to be non-criminal, civil penalties and not subject to jail time.

(1) Liability to Person Bitten. In addition to the above, if a 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 dog owner or person having the dog in the person's care or keeping, the dog owner or person having the dog in the person's care or keeping is liable for the damages suffered by the person bitten or otherwise attacked. For the purposes of this section, a person bitten or otherwise attacked is lawfully in a private place, including the property of the dog owner or person having the dog in the person's care or keeping, when the person bitten or otherwise attacked is on the property in the performance of a duty imposed upon the person by the laws of this state, the ordinances of Beaufort County, 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 upon the invitation, express or implied, of the property owner or a lawful tenant or resident of the property.

a. Exemptions for liability. This section does not apply if, at the time a person is bitten or otherwise attacked:

- i. The person who was attacked provoked or harassed the dog and that provocation was the proximate cause of the attack; or
- ii. The dog was working in a law enforcement capacity with a governmental agency and in the performance of the dog's official duties.

- (d) When any person is found guilty of a violation of the provisions of this chapter, or has been found in non-compliance of a final dangerous dog determination of the court, a magistrate may order possession and custody of the animal to be surrendered permanently to BCAS at a BCAS facility.
- (e) Habitual violators. In addition to any legal remedy available under the provisions of this chapter, it shall be the duty of the BCAS to summon the owner of any animal(s) which is found guilty by the Beaufort County Magistrate Court of any three violations contained in this chapter in any 12-month period to abate any or all animals from owner's premise. If, after fully hearing the matter and any statement the owner may make any testimony he/she may offer in his/her behalf concerning the matter, should the Beaufort County Magistrate Court find such owner is unable or unwilling to adhere to the provisions of this chapter, the Beaufort County Magistrate Court shall issue a written order to the owner, directing and requiring him/her with a certain specified time to relocate the animal(s) to a home with a person unrelated to the owner or surrender the animal(s) to BCAS.
- (f) Infractions resulting in administrative citations and penalties. In addition to the remedies and penalties contained in this chapter, and in accordance with S.C. Code § 47-3-20, an administrative citation may be issued for certain infractions of county animal control ordinances. Infractions of this chapter subject to administrative citation and penalty are in the discretion of the BCAS officer and include, but are not limited to: Mandatory dog licenses/registration, mandatory rabies vaccination, permitting a dog to run at large, mandatory spay/neuter, and/or warnings for a noisy public nuisance animal, or any violation of Section 3.209 (Section 14-13 Beaufort County Code). Dangerous dog determinations are not violations subject to administrative citations.

The following procedures shall govern infractions of this chapter and the imposition, enforcement, collection, and administrative review of administrative citations and penalties:

1. *Notice of infraction.* If an animal is owned, kept, maintained, or found to be in violation of a County animal control ordinance, an administrative citation may be issued by the BCAS officer.
2. *Content of citation.* The administrative citation shall be issued on a form approved by BCAS director and shall contain the following information:
 - a) Date, location and approximate time of the infraction;
 - b) The ordinance violated and a brief description of the infraction;
 - c) The amount of the administrative penalty imposed for the infraction;
 - d) Instructions for payment of the penalty, and the time period by which it shall be paid and the consequences of failure to pay the penalty within the required time period;
 - e) Instructions on how to appeal the citation;
 - f) The signature of the animal control officer.

The failure of the citation to set forth all required contents shall not affect the validity of the proceedings.

(3). *Service of administrative citation.*

1. If the person who has violated the County animal control ordinance is present at the scene of the infraction, the BCAS officer shall attempt to obtain his signature on the administrative citation and shall deliver a copy of the administrative citation to him/her.
2. If the owner, occupant or other person who has an infraction of a County animal control ordinance is a business, and the business owner is on the premises, the animal control officer shall attempt to deliver the administrative citation to him/her. If the animal control officer is unable to serve the business owner on the premises, the administrative citation may be left with the manager or employee of the business. If left with the manager or employee of the business, a copy of the administrative citation shall also be mailed to the business owner by certified mail, return receipt requested.
3. If no one can be located at the property where the infraction occurred, then the administrative citation shall be posted in a conspicuous place on or near the property and a copy mailed by certified mail, return receipt requested to the owner, occupant or other person who has violated the ordinance. The citation shall be mailed to the property address and/or the address listed for the owner on the last County equalized assessment roll.

The citation shall also be mailed to any additional addresses for the owner in department records.

(4) Administrative penalties.

a. The penalties assessed for each infraction of a County animal control ordinance shall not exceed the following amounts:

- i. One hundred dollars for a first infraction;
- ii. Two hundred dollars for a second infraction of the same administrative abatement order within one year;
- iii. Five hundred dollars for each additional infraction of the administrative abatement order within one year

b. If the infraction is not corrected, additional administrative citations may be issued for the same infraction. The amount of penalty shall increase at the rate specified above.

c. Payment of the penalty shall not excuse the failure to correct the infraction nor shall it bar further enforcement action.

d. The penalties assessed shall be payable to the Beaufort County Treasurer Animal Control Services.

e. Where the infraction would otherwise be a violation, the administrative penalty shall not exceed the maximum fine or infraction amount.

f. Failure to pay an administrative penalty may result in prosecution or petition for the original violation(s) in the Beaufort County Magistrate Court.

(5). Administrative appeal of administrative citation.

a. Notice of appeal. The recipient of an administrative citation may appeal the citation by filing a written notice of appeal with the department. The written notice of appeal must be filed within 20 days of the service of the administrative citation set forth in subsection c. above. Failure to file a written notice of appeal within this time period shall constitute a waiver of the right to appeal the administrative citation. The notice of appeal shall be submitted on County forms and shall contain the following information:

- i. A brief statement setting forth the appellant's interest in the proceedings;
- ii. A brief statement of the material facts which the appellant claims supports his contention that no administrative penalty should be imposed or that an administrative penalty of a different amount is warranted;

- iii. An address at which the appellant agrees notice of any additional proceeding or an order relating to the administrative penalty may be received by mail;
 - iv. The notice of appeal must be signed by the appellant;
 - v. A check or money order is required, as a deposit, for the total penalty amount shown on the front side of the citation, before the administrative appeal will be scheduled;
 - vi. Indigence must be proved to have the deposit waived.
- c. Administrative hearing of appeal. Upon a timely written request by the recipient of an administrative citation, an administrative hearing shall be held as follows:
- i. Notice of hearing. Notice of the administrative hearing regarding the administrative citation shall be given at least ten days before the hearing to the person requesting the hearing.
 - ii. The administrative hearing regarding the administrative citation shall be held before the Public Safety Director, or a designee. The hearing officer shall not be the investigating animal control officer who issued the administrative citation or his immediate supervisor. The Director may contract with a qualified provider to conduct the administrative hearings or to process administrative citations.
 - iii. Conduct of the hearing. The investigating animal control officer who issued the administrative citation shall be required to participate in the administrative hearing regarding the citation. The contents of the investigating animal control officer's file may be admitted in support of the administrative citation. The hearing officer shall not be limited by the technical rules of evidence. If the person requesting the appeal of the administrative citation fails to appear at the administrative hearing, the hearing officer shall make a determination based on the information available at the time of the hearing.
 - iv. Hearing officer's decision. The hearing officer's decision regarding the administrative citation following the administrative hearing may be personally delivered to the person requesting the hearing or sent by mail. The Hearing Officer may allow payment of the administrative penalty in installments, if the person provides evidence satisfactory to the hearing officer of an inability to pay the penalty in full at one time. The hearing officer's decision shall contain instruction for obtaining review of the decision by the Circuit Court.

(6) Appeal to Circuit Court. Any person who receives an unfavorable decision from the decision of an administrative appeal may file an appeal with the Circuit Court in Beaufort County. The appeal to Circuit Court must be filed within 30

days of the notice of the administrative officer's decision being mailed to the recipient of an administrative citation.

Sections 3.224 – 3.250. Reserved

Article III. Specific to The Town of Yemassee

3.301. Driving and Racing

It shall be unlawful for any person to drive horses or other animals at a dangerous speed, or to race horses or other animals on the public streets.

3.302. Swine, Livestock Prohibited from Town, Exceptions

(a) No swine or livestock shall be kept within the corporate limits without specific approval of the Town Council, or unless otherwise allowed by zoning regulations. No approval shall be granted or continued if such keeping shall constitute a menace to health or welfare of the public.

(b) No livestock shall be permitted to run at large.

3.303. Nuisances: Failure to Abate

All stables, houses, and barns shall be kept in a clean and sanitary condition, and the manure not allowed to accumulate, and shall be subject to regulations prescribed by the County Health Officer.

3.304. Wild Bird Sanctuary Established

(a) The entire area within the corporate limits of the Town is hereby established and declared to be a wild bird sanctuary for non-game birds; provided, however, this section shall not apply to that area of town known as Bindon Plantation, Cotton Hall Plantation and Tomotley Plantation.

(b) Unless otherwise authorized under State hunting laws, it shall be unlawful within the Town to trap, hunt, shoot, harm, rob the nest of, or molest in any way any wild bird or fowl, except as may be determined by Town Council.

3.305. Farm Lands. Swamps Excluded

The provisions of this article shall not apply to farms or swamp lands within the corporate limits.

3.306. Slaughter Houses

No person shall be licensed or allowed to establish, in any manner or form, any butcher pen, slaughterhouse or abattoir within the corporate limits.