



TOWN OF YEMASSEE SPECIAL TOWN COUNCIL MEETING

Tuesday, August 3, 2021 – 4:00PM

101 Town Cir, Yemassee, SC 29945

-
- I. Call to Order – Mayor Colin Moore**
 - II. Pledge of Allegiance & Invocation**
 - III. Determination of Quorum**
 - a. Consent of the Agenda for the August 3, 2021, Special Town Council Meeting
 - IV. Proclamations & Presentations**
 - a. Presentation by Sandy Steele on behalf of Southern Carolina Alliance, regarding award of USDA grant to engage Retail Strategies.
 - V. New Business**
 - a. Consideration of an Ordinance Amending Portions of the Town of Yemassee Code, Chapter 3 (Animals. Fowl), including the renaming of the Chapter to “Animals”, Repealing the entirety of Article I. In General, Article II. Dogs, Article III. Bird Sanctuary and Article IV. Penalties and replacing the repealed articles with; Article I. In General, Article II. Animal Control and Article III. Specific to the Town of Yemassee [Ordinance 21-18]
 - VI. Public Comment**
 - a. Public Comment must be submitted to the Town Clerk at least five minutes prior to the start of the meeting.
 - VII. Executive Session**
 - a. Discussion of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claims, or the position of the public agency in other adversary situations involving the assertion against the agency of a claim. (Pursuant to SC Freedom of Information Act 30-4-70[a][2])
 - i. Beaufort County Animal Control Services

“FOIA Compliance – Public notification of this meeting has been published and posted in Compliance with the Freedom of Information Act and the Town of Yemassee policies.”

- Please note that each member of the public may speak during the Public Comment period at the end of the meeting. A Public Comment form must be filled out and submitted to the Town Clerk prior to the start of the meeting. Public comment must not exceed two (2) minutes.

- b. Discussion of employment, appointment, compensation, promotion, demotion, discipline, or release of an employee, a student, or a person regulated by a public body or the appointment of a person to a public body (Pursuant to SC Freedom of Information Act 30-4-70[a][1])
 - i. Associate Judge

VIII. **Adjournment**

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SouthernCarolina Alliance USDA grant for Retail Strategies

Sandy Steele <ssteele@southerncarolina.org>

Wed 6/30/2021 11:21

To: Hank Amundson <hankamundson@walterborosc.org>; Jeff Molinari <jmolinari@walterborosc.org>; Heyward Robinson (admin@denmarksc.com) <admin@denmarksc.com>; Matthew Garnes <mattgarnes@townofyemassee.org>; jimmybilka@townofhamptonembarqmail.com <jimmybilka@townofhamptonembarqmail.com>; Dennis Averkin - Town of Ridgeland (daverkin@ridgelandsc.gov) <daverkin@ridgelandsc.gov>; Henry Youmans <henryyoumans@earthlink.net>; 'Bill Young (byoung@walterborosc.org)' <byoung@walterborosc.org>; Ronnie Jackson (Allendalemayor@yahoo.com) <allendalemayor@yahoo.com>; mayorbeasley@townofblackville.com <mayorbeasley@townofblackville.com>; 'jnmalphrus@gmail.com' <jnmalphrus@gmail.com>; 'Gerald Wright' <dorisandgerald@atlanticbb.net>; Rick Gooding <rick@goodingadvertising.com>; Bill Goodson (bgoodson@allendalecounty.com) <bgoodson@allendalecounty.com>; Larry Haynes <hsnina50@aol.com>; 'Joey Preston' <prestonjr@bambergcounty.sc.gov>; 'Tim Bennett' <trbennett@barnwellsc.com>; 'Harold Buckman' <haroldbuckmon1@gmail.com>; Kevin Griffin (kgriffin@colletoncounty.org) <kgriffin@colletoncounty.org>; smurdaugh@pmped.com <smurdaugh@pmped.com>
Cc: Danny Black <dblack@southerncarolina.org>; Kay Maxwell <kmaxwell@southerncarolina.org>; Candace Altman <caltman@southerncarolina.org>; John Fleming <jfleming@southerncarolina.org>; Kell Anderson <kanderson@southerncarolina.org>; Garret Dragano <gdragano@southerncarolina.org>; Brantley Strickland <bstrickland@southerncarolina.org>; Heyward Horton (hhorton@cceainc.com) <hhorton@cceainc.com>; Donna Lamb <dlamb@cceainc.com>

 1 attachments (536 KB)

Retail Strategies deliverables.pdf;

Good morning everyone,

Hope you're all doing well. I wanted to let you know that USDA approved SouthernCarolina Alliance's grant to engage Retail Strategies. The attachment outlines the work they'll perform over the next year for some of the towns in the Promise Zone counties. Please remember that because SCA pursued this opportunity as a Regional effort, there is NO COST to the towns/cities.

This year's grant will cover the Town of Allendale, City of Denmark, Town of Blackville, City of Walterboro, Town of Hampton, Town of Yemassee and Town of Ridgeland. If this proves to be successful and helpful to these Towns, SCA intends to apply next year for grant funds to provide the same service to other towns & cities in our region.

We're finalizing the paperwork with USDA now, and I'll be back in touch soon with next steps. In the meantime, we just wanted to share the good news. SCA is very excited to be able to bring this valuable service to your community, and we're looking forward to working closely with you. Thanks so much!

Sandy Steele, SCCED

SouthernCarolina Regional Alliance

(843) 908-9409 – mobile

[ssteele@southerncarolina.org](mailto:ss Steele@southerncarolina.org)

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The specific purposes for which grant funds will be utilized.



CUSTOMIZED RETAIL RECRUITMENT STRATEGY & TRAINING

SouthernCarolina Alliance will use the RBDG grant to hire Retail Strategies to conduct a Retail Academy workshop for communities. By attending Retail Academy, communities are equipped with critical market intelligence that will enable them to market the community to desired businesses. Key components delivered are briefly described below:



Deliverables

Printed Binder and Supporting Electronic Documents including:



- Retail Trade Area from Mobile Data Analysis
- Psychographic Analysis
- GAP Analysis
- Peer Analysis & Retailer Void
- Blue Book including Deal Terms



Real Estate Assessment and Retail Prospect List:

- Top zones and site viable for regional and national retail brands
- Retail prospect list with site selection criteria
- Access to Resource Library featuring interviews with industry professionals



6 Hours of In-Person and Virtual Education

- Retail Trends
- Data and Deliverable Overview
- Site Selection & Players
- Public Private Partnerships and Retail Incentives Overview
- Prospects and Franchises
- How to Work a Conference and International Council of Shopping Center

COVID-19 Adjustments

Virtual Education

Retail Academy created our online virtual education to give communities the ability to learn at your own pace and to allow communities to reference courses, segments, and resources on-demand. In addition, we realize that Covid-19 limits the ability for travel and this option allows you the ability to safely receive the training without leaving your community.



One-On-One Recruitment Plan Delivery

Whether you choose the virtual learning or the in-person education, the delivery of your Retail Recruitment Plan will be one-on-one between our team and yours.

This allows our team to provide an in-depth explanation of your deliverable and to produce a platform for discussion, questions, and answers.

CUSTOMIZED RETAIL RECRUITMENT STRATEGY & TRAINING

Market Analysis

Retail Academy provides the community all the same data as what the national retailers use. Learning what matters to the retailers and providing the information **they** want to see is critical to successful retail recruitment. Pairing the community's local story with the national data is key.



Retail Prospect List & Real Estate Match Up

The community will receive at least 10 national retailers and restaurants who have opened in similar size markets within the region. The list will include the site selection criteria of the retailers. Each retailer has a different requirement for approving a new location. The program will be matching these brand requirements up with the existing real estate sites.

Marketing Guide

A custom marketing flyer includes exactly what the industry leaders will want to know about the community. It can be emailed, placed on the website and printed to use at conferences. It includes an aerial map, traffic counts, demographic overview, major employers and contact information.



Market Analysis || Data Mining || Supply & Demand

Retail Strategies has licensed the most valued data sources in Retail. Retailers from J. Crew to Cinemark rely on the same data and sources that we use. Retail Academy's Market Analysis will identify a complete view of the community by focusing on the primary criteria that retailers and developers are using to identify expansion opportunities

TRADE AREA IDENTIFICATION

Knowing the trade area is mission critical. The following resources help municipalities properly identify the true trade area as they begin the recruitment process:

Mobile Data Collection - Data is collected from mobile phone users who have agreed within their apps and phone settings to enable location information. By analyzing this information Retail Academy experts will identify shopping patterns of consumers within the area to derive true trade area for the community.

DEMOGRAPHIC ANALYSIS

Sampling of 3,385 Variables Provided:

- Population & Population Growth
- Daytime Population
- Quarterly Population (Seasonality)
- Median Household Incomes & Growth
- Age
- Households & Household Growth
- Educational Achievements
- Labor Force
- Workplace Establishments
- Workplace Salary
- Workplace Occupations
- Weekly Per Capita Potential
- Consumer Spending Patterns



PEER COMMUNITY ANALYSIS

Retail Academy will identify peer communities.

1. Compare market to other similar retail nodes by analyzing Population, Daytime Population, Income Levels, Grose Leasable Area (GLA), and Market Supply.
2. Once the Peers have been identified, the study will show the average number of retailers per a category that exist in peer communities compared to see the number of stores they fall short.
3. In categories of short fall, we name the retail brands that existing in peer markets and not in core study market. Brands are added to prospect list.
4. You can comb through the Peer Communities to identify new developments and strategies that were implemented to attract retailers and/or development/redevelopment.

RETAIL GAP ANALYSIS

Retail GAP Analysis will identify the potential retail sales (demand) for the trade area(s) and contrast that information to the estimated retail sales (supply) to identify dollars leaving the market on an annual basis.

- We identify retail surplus or leakage from 85 different retail categories (45 retail establishment sectors and 40 product lines) to drill down to the specific retail needs of the community
- The Retail Academy team compares leakages to national average store sales of the top 100 retailers to identify how to fill the leakages within the community.

PSYCHOGRAPHIC PROFILES

Retailers across the Country are analyzing and identifying Psychographic profiles to define their core and secondary consumer.

- Density of Psychographic Segmentations within the market from various trade areas
- Primary demographic and socioeconomic traits
- Consumer values, behaviors, attitudes, lifestyles, and purchasing behaviors
- Psychographic segmentations will be analyzed and ranked based upon density within the trade area.

Retail Prospect List

Identifying which retailers are a good fit for the community is one of many challenges municipalities face when trying to recruit retailers. There are many pieces to this puzzle, as each retailer has a specific set of criteria they seek when opening a new location. Additionally, it can be quite time consuming to keep up with which retailers are currently expanding, and to pinpoint the appropriate contact for the region for any given retailer.

RETAIL PROSPECTS

The Retail Academy team will identify National, Regional, and Local retailers whose site criteria matches the community. This list will be given as a baseline, as this list will continue to expand over time as new retailers announce expansion plans and are looking for new locations.

The Retail Prospects will primarily be from the GAP Categories identified in the community but will also include expanding retailers whose site criteria metrics fit the community.

The Prospects are also identified through the Peer Analysis. We analyze markets that are similar in size and demographic make-up. We then discover which retailers are in their markets that could potentially be sustainable in community.

PROCESS, PLAYERS & PITCH

Community leaders will be educated on how to maximize their outreach efforts through attendance at International Council of Shopping Centers [ICSC] and RetailLive! conferences. They will learn how to set up meetings, customize emails, and make phone calls. They will learn the deal making terms and the roles each professional plays in the process. This empowers community leaders with confidence to market their real estate opportunities to the business investors.

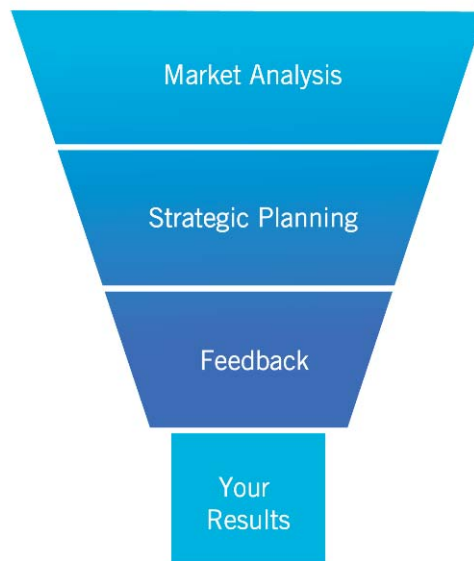
PROPERTY OWNER OUTREACH

Retail Academy will teach community leaders how to inventory and reach out to local property owners. Many property owners in communities fall in to two main categories:

- 1) They have an inflated opinion of the value of their land
- 2) They are not familiar with the opportunities their land could provide

The primary goal of this outreach is:

1. Connect with and educate the Property Owner
2. Identify a willingness or unwillingness to sell.
3. Identify a price of the land.
4. Identify if their land is listed online, and if so, which platforms on which it is listed.
5. Is there a Broker representing the land, and if so, who is the Broker?



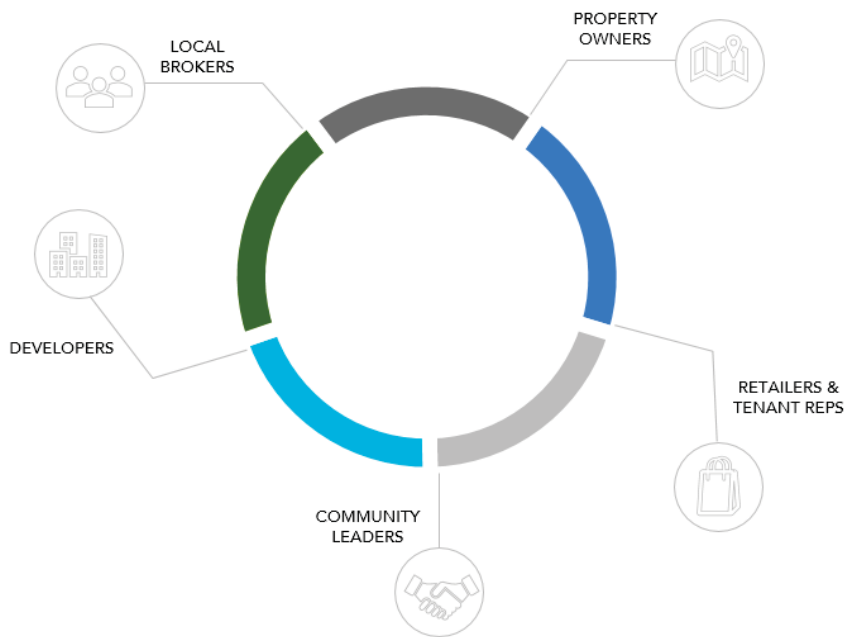
What Else is Included?

Real Estate Analysis

Real Estate is the key to every business expansion. Our team features over 150+ years of retail real estate experience and we utilize our collective experience to provide the most thorough, and creative, assessment of your community.

We spend time analyzing your community to identify key sites, underutilized real estate assets, and develop a list of short and long-term opportunities.

The sites we identify for leasing, development, redevelopment and higher and best use are presented during Retail Academy so they can be used by your team during the recruitment process.



Community Input

The Retail Academy Team engages each community in a meaningful dialogue to identify past efforts, interests, and desired goals for retail.

Each Retail Academy is tailored your community, and your feedback allows us to craft the tools and education to provide the greatest experience, impact, and outcome.



Education

Retail Academy Education

The education provided at Retail Academy lays the foundation for your retail recruitment efforts. By providing a thorough understanding of the tools, vocabulary, retail landscape, and process for retail expansion so communities will be ready to promote markets to expanding businesses.

Training Covered:



This event is recognized by the International Economic Development Council (IEDC) as a professional development event that counts towards the recertification of Certified Economic Developers.

- Teach you how to use the tools (data/analytics/strategy)
- Show you how retailers view your market
- Provide best practices for ICSC & Retail Live conferences
- Write emails to expanding businesses
- Give you a script for outbound phone calls
- Provide knowledge on the retail expansion process
- Share best practices for Retail Recruitment
- Keep you in the know on Retail Trends
- Go over the Site Selection process in full detail
- Explain the development process

Retail Academy Blue Book

Along with our award-winning education, we deliver our Retail Academy Blue Book.

The Blue Book is a step-by-step recap of Retail Academy and features the highlights of learnings from Retail Academy.



Colin J Moore
Mayor

Peggy Bing-O'Banner
Mayor Pro Tempore

Matthew Garnes
Town Clerk



Council Members
 Michelle Hagan
 Charlie Simmons
 Alfred Washington

Town Council Agenda Item

Subject: Consideration of an Ordinance Amending Portions of the Town of Yemassee Code, Chapter 3 (Animals. Fowl), including the renaming of the Chapter to "Animals", Repealing the entirety of Article I. In General, Article II. Dogs, Article III. Bird Sanctuary and Article IV. Penalties and replacing the repealed articles with; Article I. In General, Article II. Animal Control and Article III. Specific to the Town of Yemassee [Ordinance 21-18]

Department: Administration

Attachments:

√	Ordinance		Resolution		Other
√	Support Documents	√	Motion		

Summary: Over the last several years, the Town has experienced in increase in the need for Animal Control Services to respond into the Town for animal related emergencies or issues. Historically, the Town has utilized the Hampton County Animal Shelter to respond when requested for incidents within the Hampton County portion of Yemassee. An increasing volume of animal incidents and subsequent allocation of the Animal Shelters two employees, requests from Yemassee for response have been substantially delayed or non-existent. The Animal Shelter in Hampton does the best they can with limited resources and an increasing call volume but there are many instances where requests cannot wait until the following day or in some cases until Monday if requested on a weekend. The attached Ordinance repeals the existing Chapter 3 of the Town Code, titled Animals & Fowl, renames it "Animals" and adds two new sections. The sections will specifically grant Beaufort County Animal Services officers authority and jurisdiction within the Town of Yemassee.

Two years ago, the Beaufort County updated their animal ordinances and authority of Animal Services Officers. To continue utilizing their resources, the City of Beaufort, Town of Bluffton, Town of Hilton Head Island and the Town of Port

Royal, all adopted the County Ordinance in its entirety and executed Intergovernmental agreements between their respective municipalities. Upon passage of this Ordinance update, the County and Town will initiate an Intergovernmental Agreement for Animal Control Services within both the Beaufort & Hampton County portions of the Town of Yemassee.

At the July 19, 2021 Special Town Council Meeting, Council Member Simmons objected to some of the language in the Ordinance and wished to table the item until the next Town Council meeting.

Recommended Action: Approve first reading on Ordinance 21-18.

Council Action:

- Approved as Recommended
- Approved with Modifications
- Disapproved
- Tabled to Time Certain
- Other

ATTACHMENTS

ATTACHMENT A: Existing Chapter 3 of Yemassee Town Code

ATTACHMENT B: Updated version of Chapter 3

ATTACHMENT C: Proposed Ordinance 21-18

Town Council Agenda Item

Subject: Consideration of an Ordinance Amending Portions of the Town of Yemassee Code, Chapter 3 (Animals. Fowl), including the renaming of the Chapter to “Animals”, Repealing the entirety of Article I. In General, Article II. Dogs, Article III. Bird Sanctuary and Article IV. Penalties and replacing the repealed articles with; Article I. In General, Article II. Animal Control and Article III. Specific to the Town of Yemassee [Ordinance 21-18]

CHAPTER 3. ANIMALS. FOWL

ARTICLE I. IN GENERAL

- 3.101. Cruelty to Animals. Unlawful.
- 3.102. Reserved.
- 3.103. Livestock, Fowl Prohibited At Large. Seizure Authorized.
- 3.104. Noises.
- 3.105. Strays.
- 3.106. Bringing, Keeping Diseased Animals Within the Town.
- 3.107. Disposal of Dead Animals Required.
- 3.108. Slaughter Houses.

ARTICLE II. DOGS

- 3.201. Definitions.
- 3.202. Certain Dogs Declared a Nuisance.
- 3.203. Dangerous Animals.
- 3.204. Killing Dangerous Animals.
- 3.205. Dangerous Dogs.
- 3.206. Rabies Shot Required.
- 3.207. Control of Dogs.
- 3.208. Police to Impound.
- 3.209. Failure to Redeem Dog or Pay Fee.
- 3.210. Dog Bites.
- 3.211. Running At Large.
- 3.212. Disturbing the Peace.

ARTICLE III. BIRD SANCTUARY

- 3.301. Established.
- 3.302. Killing, Injuring, Molesting Birds.
- 3.302. Birds Constituting a Nuisance. Action.
- 3.304. Farm Lands, Swamps Excluded.

ARTICLE IV. PENALTIES

- 3.401. Penalty.

CHAPTER 3. ANIMALS. FOWL.

Editor's Note. This chapter derives from Titles 5, 7 and 47 of the 1976 South Carolina Code of Laws, as amended, and the 1990 Yemassee Code that has been brought current.

ARTICLE I. IN GENERAL

3.101. CRUELTY TO ANIMALS. UNLAWFUL.

a. It shall be unlawful to kill, overload, overdrive, overwork, torture, torment, wantonly beat, bruise or cut, or in any other way inflict unnecessary pain or suffering upon any animal.

b. Any person who does not provide sufficient food and shelter for the same, whether or not such persons are the owner thereof, or have the temporary charge or custody of the same, shall be guilty of a misdemeanor.

(Editor's Note. "Animal" is defined at SC Code §47-1-10.)

3.102. RESERVED.3.103. LIVESTOCK, FOWL PROHIBITED AT LARGE. SEIZURE AUTHORIZED.

a. It shall be unlawful for any horse, mule, swine, sheep, goat, goose, turkey, chicken, cattle or other livestock or domestic fowl of any description, to run at large within the corporate limits of the town.

b. It shall be the duty of the Animal Control official to seize all such animals found running at large, and to impound the same in some convenient place.

3.104. NOISES.

It shall be unlawful to harbor or keep any animals which disturb the peace by loud noises at any time of the day or night.

3.105. STRAYS.

It shall be unlawful to permit any dog, cattle, horse, swine, sheep, goat or poultry to run at large the town. Any such animal running at large in any public place shall be impounded. It shall be further unlawful to picket or tie any such animal in or on any streets for the purpose of grazing or feeding.

3.106. BRINGING, KEEPING DISEASED ANIMALS WITHIN THE TOWN.

No animal affected with an infectious or contagious disease shall be brought or kept within the limits of the town, except upon the permission of the Board of Health or the health officer.

3.107. DISPOSAL OF DEAD ANIMALS REQUIRED.

a. The owner or person having custody or control of any animal that shall die in the town from any cause whatsoever shall remove such animal from the town or dispose of it within twenty-four (24) hours of death.

b. Should such animal die upon a street or other public place in the town, such removal or disposal shall be accomplished within two (2) hours after learning of the death.

3.108. 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.

(YQ 19)

ARTICLE II. DOGS

Editor's Note. Dogs are generally provided for in Titles 44 and 47 of the 1976 South Carolina Code of Laws and numbers 17 and 18 of the Yemassee Questionnaire. The provisions thereof are much too lengthy and detailed to list in this code. The reader is therefore referred to those titles for detailed information.

3.201. DEFINITIONS.

When employed in this article, the following words shall have the following specific meanings:

DOG shall mean all members of the canine family four (4) months of age or older.

(1976 SC Code 47-3-10(3))

OWNER shall mean any person who has, or claims to have, a right of property in a dog.

KEEPER shall mean any person who knowingly harbors a dog, or has it in his care or acts as its custodian for five (5) or more consecutive days.

3.202. CERTAIN DOGS DECLARED A NUISANCE.

a. The howling, baying or barking of any dog to such an extent as to interfere materially with or affect the health, comfort, peace or quiet of the people is hereby declared a nuisance and is prohibited.

b. It shall also be a nuisance to permit a dog to damage or destroy flowers, ornamental shrubs or property of others.

c. Any person who harbors, keeps in possession or has custody or control of any dog which constitutes a nuisance as defined in this section, and who shall fail or refuse to take action to abate the nuisance when requested in writing to do so by town officials, shall be deemed guilty of a misdemeanor.

3.203. DANGEROUS ANIMALS.

It shall be unlawful to permit any dangerous or vicious animal of any kind to run at large within the town.

3.204. KILLING DANGEROUS ANIMALS.

The members of the Police Department are authorized to kill any dangerous animal of any kind, when it is necessary for the protection of any person or property.

3.205. DANGEROUS DOGS.

No vicious, dangerous, ferocious or sick dog (one that is liable to communicate hydrophobia or other contagious or infectious diseases) shall be permitted to run at large in the town or kept in an area accessible to children.

3.206. RABIES SHOT REQUIRED.

No dog shall be permitted in the town if it does not have current rabies vaccination. Rabies tags shall be worn on the collar of the animal at all times.

3.207. CONTROL OF DOGS.

Any dog (except for hunting dogs on actual hunts) shall be penned, chained, leashed, or while on the owner's property, under strict voice control. When a dog is in heat, the owner will keep the dog penned or under strict personal control.

3.208. POLICE TO IMPOUND.

a. Any police officer or maintenance employee of The Town of Yemassee is hereby charged with the duty of impounding all dogs running at large or in violation of any of the provisions of this article. The Town of Yemassee is authorized to charge a fee for such impounding and keeping.

b. Such fee shall be as set forth in the "*Schedule of Rates and Fees*" as shown on Exhibit 1 of this code.

3.209. FAILURE TO REDEEM DOG OR PAY FEE.

Failure to redeem dog or pay impoundment and keeping fee within four (4) days shall result in destruction of the dog at the discretion of the Mayor or Town Council.

3.210. DOG BITES.

a. Whenever any dog bites a person, the owner of the dog shall immediately notify the Chief of Police who shall order the dog held on the owner's premises or have it impounded for a period of two (2) weeks.

b. The dog shall be examined, at the owner's expense, by a licensed veterinarian immediately after it has bitten anyone and again at the end of the two (2) week period.

c. If, at the end of the two (2) week quarantine the veterinarian declares the dog not infected with rabies, the dog shall be released from quarantine or from impoundment as the case may be.

d. If the dog dies in the meantime, its head shall be sent to the State Department of Health for rabies examination. The owner shall be responsible for impoundment and keeping fees. If the fees are not paid, the dog shall be disposed of as outlined in §3.209, hereinabove.

3.211. RUNNING AT LARGE.

Any dog found in the town or running at large under conditions set forth above is hereby declared a nuisance and shall be impounded as hereinafter provided.

3.212. DISTURBING THE PEACE.

No person owning any dog shall suffer or permit such dog to disturb the peace and quiet of the neighborhood by barking, making loud or unusual noises or by running across cultivated fields, gardens or probate property.

ARTICLE III. BIRD SANCTUARY

Editor's Note: This article derives from general authority given to municipalities by §5-7-30 of the 1976 South Carolina Code of Laws, Question 20 of the Yemassee Questionnaire and generally accepted municipal practices.

3.301. ESTABLISHED.

The entire area within the corporate limits of The Town of Yemassee is hereby established and declared to be a wild bird sanctuary.

3.302. KILLING, INJURING, MOLESTING BIRDS.

a. The Town of Yemassee is hereby declared to be a bird sanctuary, and it shall be unlawful to shoot, attempt to shoot, trap or molest in any manner any bird or to remove the eggs from or otherwise molest or disturb any bird's nest in the town.

b. This section shall not apply to game birds on an authorized hunt.

3.303. BIRDS CONSTITUTING A NUISANCE. ACTION.

a. If starlings or similar birds are found to be congregating in such numbers in a particular locality that they constitute a menace to health or property, in the opinion of the Beaufort/Hampton County Board of Health, the Council shall meet with said health authorities to resolve the problem.

b. If no satisfactory course of action is found to abate such nuisance at such meeting, said birds may be destroyed in such numbers and manner as is deemed advisable by said health authorities under the supervision of such persons as may be approved by the Council.

3.304. FARM LANDS, SWAMPS EXCLUDED.

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

ARTICLE IV. PENALTIES

3.401. PENALTY.

a. Any person, persons, firm, company, representative of any firm or company and otherwise violating the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor.

b. Each day during which a violation of the provisions of this chapter occurs, or each separate instance, shall be considered a separate offense punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both.

(1976 SC Code §14-25-65)

Chapter 3. Animals

ARTICLE I. IN GENERAL

Sections 3.101 – 3.120. Reserved

ARTICLE II. ANIMAL CONTROL

- 3. 201. Authority for and Enactment of Chapter
- 3.202. Definitions
- 3.203. County Pet License; Rabies Vaccination Tags
- 3.204. Lifetime/Annual pet license issuance, fees, and exemptions
- 3.205. Declaration of restricted dog, appeal of breed determination
- 3.206. Pet Breeder License, Inspection and Fees
- 3.207. Dangerous Animals
- 3.208. Running at Large
- 3.209. Nuisance Pets or Livestock
- 3.210. Animal Cruelty
- 3.211. Sale of Animals, Pets or Livestock
- 3.212. Seizure and Right of Entry to Protect Abandoned, Neglected, or Cruelly Treated Pets or Livestock
- 3.213. Impoundment
- 3.214. Redemption
- 3.215. Adoption
- 3.216. Trapping
- 3.217. Management of Feral Cat Colonies
- 3.218. Livestock
- 3.219. Importation of Exotic Animals Prohibited
- 3.220. Rabies Control Act (S.C. Code § 47-5-10)
- 3.221. Interference with Animal Services Officers
- 3.222. Enforcement and Penalties
- 3.223 – 3.250. Reserved

ARTICLE III. SPECIFIC TO THE TOWN OF YEMASSEE

- 3.301. Driving and Racing

YEMASSEE TOWN CODE

3.302. Swine, Livestock Prohibited from Town, Exceptions

3.303. Nuisances: Failure to Abate

3.304. Wild Bird Sanctuary Established

3.305. Farm Lands. Swamps Excluded

3.306. Slaughter Houses

DRAFT

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.
- **Animal services 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.
- **Strict voice control** shall mean demonstrable control or governance of the behavior of any animal as if such animal were controlled by a leash. However, when an animal destroys or damages any property, attacks, threatens to attack,

or interferes with any person in any manner, becomes a nuisance, or strays onto the private property of another, there shall be a presumption of law that the animal was not under strict voice control.

- **Unaltered** shall mean a pet which has not been spayed or neutered.
- **Under restraint** shall mean when any pet that is off the property of the owner is controlled by a leash; is within the property limits of its owner and is confined by fence, chain, or other appropriate measure or attended by its owner and responds to strict voice control; or confined by fence, chain, or other appropriate measure within the property of another with permission of the person in control of the property.

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 and appeal of determination.

(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 bull dog under this section.

(2) Notice. Upon determination of the breed, the animal services 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, mandatory spay and neuter requirements, an administrative penalty and notice of appeal process.

(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.

(f) Appeal. Notice of a declaration of breed determination constitutes a final determination that the dog is a restricted dog, unless the owner or custodian requests a hearing in writing to the Beaufort County Magistrate Court within ten days of service of the notice.

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 animal services 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 animal services 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 an animal services officer or law enforcement

officer takes temporary possession of an animal pursuant to this section, the requirements of paragraphs a. through e. below shall be held in abeyance during the pendency of a hearing.

(3) Confinement requirements and registration. 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. The pen or kennel must be clearly marked as containing a dangerous animal.

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

d. The owner of a dangerous animal must provide BCAS with proof of liability insurance or surety bond of at least \$50,000.00.

e. The owner must obtain a dangerous animal registration/license from BCAS and pay a fee in an amount as determined by the BCAS fee schedule approved by the Beaufort County Council.

(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.

(d) Exemptions. A dog working in a law enforcement capacity with a governmental agency and in the performance of the dog's official duties.

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.

(b) Exemption. Except as provided herein, no person shall bring or allow any dog, or any other animal on the beach that is not at all times on a leash between the hours of

10:00 a.m. and 5:00 p.m. from April 1 through the Thursday before Memorial Day weekend and from the Tuesday after Labor Day weekend through September 30. No person shall bring or allow any dog, or any other animal, on the beach between the hours of 10:00 a.m. and 5:00 p.m. from the Friday before Memorial Day weekend through the Monday of Labor Day weekend. No person shall bring or allow any dog or any other animal on the beach that is not on a leash or under positive voice control of the responsible person between 5:00 p.m. and 10:00 a.m. from April 1 through September 30. No person shall bring or allow any dog or any other animal on the beach that is not on a leash or under positive voice control at any hour from October 1 through March 31.

No person shall permit any excrement from any animal under that person's control to remain on the beach, but shall dispose of same in a sanitary manner.

From April 1 through the Thursday before Memorial Day weekend and from the Tuesday after Labor Day weekend through September 30 of each year, dogs or any other animal, other than seeing-eye dogs, shall not be allowed in any designated swimming area unless on a leash and walking through the area between 10:00 a.m. and 5:00 p.m.

(c) 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."

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.

(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.

(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.

(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.

(1) No person shall be charged with violating this section unless a written warning was given to the owner or person in custody of the animal by an animal services officer or police officer within 12 months preceding the first date alleged as a date of violation in the complaint. A warning is given under this subsection if it is personally given to the owner or person in custody of the animal, or it is posted upon the property of the owner or person in custody or mailed first-class to such person. Such records are prima facie evidence that such warnings were given.

(2) No administrative penalty or summons shall be issued and no person shall be convicted at trial for violating this section unless two or more witnesses from different households testify to the loud and persistent or loud and habitual nature of the noise, or unless there is other evidence corroborating the testimony of a single witness.

3.210. Animal Cruelty

(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.

(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.

(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.

(f) 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.

(g) 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:

(1) Inside a pen or secure enclosure; or

(2) 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

(3) 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.

(h) 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.

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 animal services officers for right of entry on private property to examine suspected abandoned, neglected or cruelly treated pets or livestock, the animal services 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 animal services 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 animal services 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) Nothing in this section shall be construed to prohibit the euthanasia of a critically injured or ill animal for humane purposes.

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 pet or livestock 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 ten days from the date of mailing to contact BCAS for pick-up. Redemption costs will include the cost of mailing, any established costs, fines, fees, or other charges. If the owner does not make contact within ten days of the date of mailing, the pet or livestock will be deemed abandoned and becomes the property of BCAS. For pets or livestock 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 pet or livestock 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.

(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 Animal Services Officers

It shall be unlawful for any person to interfere with, hinder, or molest an animal services 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 animal services officers of the Beaufort County Animal Services Department 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 Council 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.

(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 Beaufort County Animal Shelter.

(e) Infractions resulting in administrative citations and penalties.

(1) In addition to the remedies and penalties contained in this chapter, and in accordance with S.C. Code of 1976 § 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 animal services 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 warnings for a noisy public nuisance animal. Animal cruelty charges and dangerous dog determinations are not violations subject to administrative citations.

(2) The following procedures shall govern infractions of this chapter and the imposition, enforcement, collection and administrative review of administrative citations and penalties.

a. *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 animal services officer.

b. *Content of citation.* The administrative citation shall be issued on a form approved by the Director of Beaufort County Animal Services and shall contain the following information:

1. Date, location and approximate time of the infraction;
2. The ordinance violated and a brief description of the infraction;
3. The amount of the administrative penalty imposed for the infraction;
4. 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;
5. Instructions on how to appeal the citation;
6. 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.

c. Service of citation.

1. If the person who has violated the County animal control ordinance is present at the scene of the infraction, the animal control 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.

d. Administrative penalties.

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

A. One hundred dollars for a first infraction;

B. Two hundred dollars for a second infraction of the same administrative abatement order within one year;

C. Five hundred dollars for each additional infraction of the administrative abatement order within one year.

2. 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.

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

4. The penalties assessed shall be payable to the Beaufort County Treasurer.

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

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

e. Administrative appeal of administrative citation.

1. 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:

A) A brief statement setting forth the appellant's interest in the proceedings;

B) 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;

C) 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;

D) The notice of appeal must be signed by the appellant;

E) 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;

F) Indigence must be proved to have the deposit waived.

2. Administrative hearing of appeal. Upon a timely written request by the recipient of an administrative citation, an administrative hearing shall be held as follows:

A) 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.

B) 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.

C) 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.

D) 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.

f. 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

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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 Cotton Hall and Tomotley.

(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.

TOWN OF YEMASSEE

Ordinance No. 21-18

AN ORDINANCE AMENDING PORTIONS OF THE TOWN OF YEMASSEE CODE, WITHIN CHAPTER 3 (ANIMALS. FOWL), SPECIFICALLY; RENAMING THE CHAPTER TO (ANIMALS), AND REPEALING ARTICLE I. IN GENERAL, ARTICLE II. DOGS, ARTICLE III. BIRD SANCTUARY AND ARTICLE IV. PENALTIES AND REPLACING THE REPEALED ARTICLES WITH ARTICLE I. IN GENERAL, ARTICLE II. ANIMAL CONTROL AND ARTICLE III. SPECIFIC TO THE TOWN OF YEMASSEE.

NOW, THEREFOR, BE IT ORDAINED by the Town Council of the Town of Yemassee, in Council duly assembled, hereby amends portions of the Town of Yemassee Code, Chapter 3 titled “Animals. Fowl” and renaming the Chapter to “Animals”, repealing the existing Article I., Article II, Article III and Article IV and replacing the repealed articles with; Article I. In General, Article II. Animal Control, Article III. Specific to the Town of Yemassee. A copy of the existing text of Chapter 3 is attached and is referenced as “Exhibit A” and the proposed updates are attached and referenced as “Exhibit B”, with modifications highlighted.

Section 1.

The following Articles within Chapter 3 have been repealed and replaced with the following:

Article I. In General

Article II. Animal Control

Article III. Specific to the Town of Yemassee

The Ordinances within Chapter 3 listed in the table below have been created, deleted, or modified:

Existing Ordinance Title	Updated Ordinance Title
Article I. In General	
3.101. Cruelty to Animals	--
3.102. Reserved	--
3.103. Livestock, Fowl Prohibited at Large, Seizure Authorized	--
3.104. Noises	--
3.105. Strays	--
3.106. Bringing, Keeping Diseased Animals within the Town	--
3.107. Disposal of Dead Animals Required	--
3.108. Slaughter Houses	--
<i>*Article I. In General - The updated Ordinance reserves Sections 3.101 – 3.120 reserved for future use</i>	

Article II. Animal Control (formerly titled “Dogs”)	
3.201. Definitions	3.201. Authority for and Enactment of Chapter
3.202. Certain Dogs Declared a Nuisance	3.202. Definitions
3.203. Dangerous Animals	3.203. County Pet License; Rabies Vaccination Tags
3.204. Killing Dangerous Animals	3.204. Lifetime / Annual Pet license issuance Fees and Exemptions
3.205. Dangerous Dogs	3.205. Declaration of Restricted Dog, Appeal of Breed Determination
3.206. Rabies Shot Required	3.206. Pet Breeder License, Inspection and Fees
3.207. Control of Dogs	3.207. Dangerous Animals
3.208. Police to Impound	3.208. Running at Large
3.209. Failure to Redeem Dog or Pay Fee	3.209. Nuisance Pets of Livestock
3.210. Dog Bites	3.210. Animal Cruelty
3.211. Running at Large	3.211. Sale of Animals, Pets or Livestock
3.212. Disturbing the Peace	3.212. Seizure and Right of Entry to Protect Abandoned, Neglected or Cruelly Treated Pets or Livestock
--	3.213. Impoundment
--	3.214. Redemption
--	3.215. Adoption
--	3.216. Trapping
--	3.217. Management of Feral Cat Colonies
--	3.218. Livestock
--	3.219. Importation of Exotic Animals Prohibited
--	3.220. Rabies Control Act (S.C. Code § 47-5-10)
--	3.221. Interference with Animal Services Officers
--	3.222. Enforcement and Penalties
*Article II. Animal Control - The updated Ordinance reserves Sections 3.223 – 3.250 reserved for future use	
Article III. Specific to the Town of Yemassee (formerly titled “Bird Sanctuary”)	
3.301. Established	3.301. Driving and Racing
3.302. Killing, Injuring, Molesting Birds	3.302. Swine, Livestock Prohibited from Town, Exceptions
3.303. Birds Constituting a Nuisance. Action	3.303. Nuisances; Failure to Abate
3.304. Farm Lands, Swamps Excluded	3.304. Wild Bird Sanctuary Established
--	3.305. Farm Lands. Swamps Excluded
--	3.306. Slaughter Houses
Article IV Removed from update. Previously known as “Article IV. Penalty”	
3.401. Penalty	--

Section 2.

All ordinances or part of ordinances, in conflict herewith are to the extent of such conflict, hereby repealed.

Section 3.

Any chapter, article, section, or subsection, sentence, clause, or phrase of this ordinance is for any reason declared to be unconstitutional or invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions hereof.

Section 4.

Upon adoption of the Ordinance, the Town shall execute an Intergovernmental Agreement, with terms agreed upon by both parties, between the Town of Yemassee and Beaufort County Animal Services for the provision of Animal Control services throughout the entire corporate limits of the Town of Yemassee.

Section 5.

The modified or newly created sections of ordinance shall become effective upon its second reading and adoption.

_____/_____
First Reading Second Reading

Colin J. Moore, Mayor

Chuckie Simmons, Councilmember

Michelle Hagan, Councilmember

(seal)

ATTEST: Matthew E. Garnes, Town Clerk

Peggy O’Banner, Mayor Pro Tem

Alfred Washington, Council Member

Approved as to Form and Correctness
Tom Johnson, Town Attorney

Recommended Motion (21-18)

“I make a motion to (Approve, Approve W/ Conditions, Deny) first reading of Ordinance 21-18, An Ordinance Amending the Town of Yemassee Code, Chapter 3, including renaming of the Chapter and repealing and replacing the contents of Articles I-III”