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CHAPTER 3. ANIMALS

ARTICLE I. IN GENERAL

3.101. DEFINITIONS.

In this Chapter, the word "animals" shall mean and include all brute creatures and domestic pets. "Dog" shall include all members of the canine family four months or more of age, including foxes and other canines. All regulations shall apply within the municipal limits.

(1976 SC Code 47-1-10 and 47-5-20) (Dog defined. 1976 SC Code 47-3-10)

3.102. PENALTIES.

Except as otherwise provided herein, the violation of any provision of this Chapter shall be a misdemeanor and, upon conviction thereof, the penalty shall be a fine of not more than five hundred dollars (\$500.00) or imprisonment of not more than thirty (30) days.

(1976 SC Code 5-7-30) (Ord.#101. 9-19-93)

3.103. CRUELTY TO ANIMALS.

It shall be unlawful for any person to inflict unnecessary cruelty upon any animal or to ride, drive or work it when sick or unfit for work, to override, overwork, overload, ride when overworked, torture, torment or to beat or whip cruelly any animal, and it shall be unlawful for any such person owning or having charge of any animal to fail to provide it with proper food, drink, shelter or protection from the weather.

(1976 SC Code 47-1-40)

3.104. DEAD ANIMALS. DISPOSAL.

It shall be unlawful for any person who has possession, ownership or custody of any animal that may die from any natural or other cause to permit such dead animal to remain for a longer period than may be necessary under the circumstances to remove such dead animal, and under no condition longer than twenty-four hours. Any dead animal not so removed within twenty-four hours shall be removed at the expense of the person in whose possession the animal died.

(1976 SC Code 47-1-70 and 47-1-80)

(Editor's Note. In addition to South Carolina statutes, this Chapter derives generally from an ordinance of 6-12-80.)

3.105 RESISTING OR HINDERING POLICE AND OTHERS.

It shall be unlawful for any person to resist, hinder or oppose any police officer or any other person acting under their authority in the performance of any of the duties imposed upon them by this Chapter.

(1976 SC Code 47-13-120)

3.106 DRIVING AND RACING ANIMALS.

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.

(1976 SC Code 47-1-40 and 47-1-50)

3.107 DOMESTIC ANIMALS AT LARGE. PROHIBITED.

It shall be unlawful for the owner or manager of any domestic animal of any description willfully or negligently to permit any such animal to run at large beyond the limits of his own land or the lands leased, occupied or controlled by him. Any owner, manager or person violating the provisions of this section shall be subject to a fine for each offense of not more than twenty-five dollars or to imprisonment for not more than twenty-five days.

(1976 SC Code 47-7-110) #2007-3

3.108 DISEASED ANIMALS RESTRICTED.

It shall be unlawful for any person to bring or keep within the town any horse or other animal having the disease known as glanders, farcy or other contagious or infectious disease, or any cow having a disease known as tuberculosis; or to sell any milk, butter or other produce from any cow or other animal affected with such disease or other contagious or infectious disease within the limits of the town.

3.109 SQUIRRELS.

It shall be unlawful for any person to kill a squirrel within the corporate limits; provided, however, squirrels which damage property, such as by entering and damaging lofts of houses, may be exterminated upon proof to town officials such damage. Provided, further, that this exception shall not apply to the annoyance of squirrels in yards or eating pecans from trees or from the ground.

3.110 REMOVAL OF ANIMAL EXCREMENT.

- (a) The owner or custodian of an animal shall immediately collect, remove and dispose of all excrement deposited by such animal on any public property, street, right of way, sidewalk, public way, playground, or upon private property owned by others. The owner or custodian shall place the excrement in a plastic bag or other suitable container and deposit the collection in an approved waste receptacle.

- (b) Violation of this section is a misdemeanor punishable pursuant to section 7.301.

Ordinance #2011-1

ARTICLE II. DOGS

(1976 South Carolina Code, Title 47, Chapter 5)

3.201. DEFINITIONS.

The following words, terms and phrases, when used in this Article, shall have the following meaning:

1. "Person" shall mean and include any person, firm, partnership, association, corporation, company, or organization of any kind.

2. "Private Premises" shall mean and include any dwelling, house, structure, or building designed or used either wholly or in part for private residential or business purposes whether inhabited or temporarily or continuously uninhabited or vacant.

3. "Pet" shall mean all domestic animals, including but not limited to dogs and cats and is intended to mean both male and female. (See Section 3.101 hereof for definition of dogs and animals.)

4. "Owner" shall mean any person, persons, firm, association or corporation owning, keeping, or harboring a domestic animal.

5. "At Large" shall mean off the premises of the owner.

3.202. ANIMAL HOSPITALS AND VETERINARIANS EXCLUDED.

The provisions of this Chapter shall not apply to animal hospitals or kennels which now, or hereafter, may be maintained and operated by licensed veterinarians on locations approved by the County Board of Health.

3.203. NOISY PETS PROHIBITED.

It shall be unlawful for any owner of a pet, or any person who has custody thereof, to allow said pet to make a noise to such an extent as to disturb his neighbor's peace. Such disturbance shall constitute a public nuisance.

3.204. CONDITION OF DOGS AND PENS.

All owners of dogs shall keep dog pens in a sanitary condition. No owner shall be permitted to keep a diseased, mangy, badly sick or injured dog or other pet unless the same shall be under the care of a registered veterinarian.

3.211. RESERVED.3.212. BITCHES IN HEAT.

It shall be the duty of the owner, or any person having the control of any bitch to securely confine her and keep her concealed from view while she is in heat. It shall be the duty of any policeman, if any such bitch is found running at large or in a public place, to notify the owner thereof or, if no owner can be found, to impound such bitch at the County Pound.

3.213. DANGEROUS, VICIOUS DOGS AT LARGE PROHIBITED.

a. No dog of dangerous, vicious or fierce propensities or tendencies, whether vaccinated against rabies or not, shall be at large at any time within the limits of the town, and it shall be unlawful for the owner or other person having any such dog in his possession or under his control, or in any manner keeping or harboring any such dog to be at large in the town.

b. If any dog bites or attempts to bite any person while such dog is at large, then such dog shall be conclusively presumed to be a dangerous dog and a dog of dangerous propensities and tendencies.

c. If any dog attacks or attempts to attack any other dog or other animal while such dog is at large, or chases or otherwise attempts to catch a person, then such dog shall be conclusively presumed to be a vicious dog and to have vicious propensities and tendencies.

3.205. RABIES INOCULATION REQUIRED. TAGS REQUIRED.

As required by Section 47-5-60 of the 1976 South Carolina Code, as amended, all dogs within the corporate limits shall be inoculated, wear a collar on which is attached metal tags as proof of said inoculation and owners of said dog shall adhere to all rules and regulations of the County Health Department.

3.206. TAMPERING WITH DOG COLLAR PROHIBITED. TAGS TO BE CURRENT.

It shall be unlawful for any person wrongfully to remove the collar from any dog or to deface the same. Tags shall be for current year.

3.207. DUTY OF OWNER DETECTING RABIES SYMPTOMS.

It shall be the duty of any person owning, or having in his possession, any dog or animal which the person knows, or should have reason to know, has developed any symptoms of rabies to immediately notify the Police Department and County Health Department of such condition and to immediately confine the dog or animal securely in such a manner that there will be no opportunity for it to come into contact with other animals and keep it segregated and confined until notification by either department of proper disposition. The dog, or other animal, shall be kept under observation for a period of two (2) weeks at the owner's expense.

3.208. POLICE AUTHORITY WHEN RABIES SUSPECTED.

The Police Department shall have the power, and it shall be its duty, to prevent the spread of rabies, to order all dogs or other domestic pets locked up, restrained by a leash or muzzled, or shall order all owners or keepers of same to take such preventive measures as the police may deem necessary, or both.

3.209. FAILURE TO COMPLY WITH POLICE ORDERS.

In the event any owner or keeper of any dog or domestic pet shall knowingly fail or refuse to comply with an order of the Police Department, as authorized herein, it shall be the prerogative of the department to seize the dog and take whatever steps it deems appropriate which are not inconsistent with state laws governing the duties of the County Health Department in like situations.

3.210. DUTY OF POLICE DEPARTMENT TO DESTROY RABID ANIMALS.

When the determination has been made that any animal has rabies or exhibits the symptoms of rabies, it shall be the duty of the Police Department to destroy same.

ARTICLE III. LIVESTOCK

(1976 South Carolina Code, Title 47, Chapters 7 and 9)

3.301. LIVESTOCK PROHIBITED.

No livestock or any such shall be kept within the town without specific approval of Council. No approval shall be granted or continued if such keeping shall constitute a menace to health or welfare of the public.

3.302. IMPOUNDING.

It shall be the duty of police officers to capture and impound any such animal referred to in the preceding Section found running at large.

3.303. NOTICE OF IMPOUNDING.

It shall be the duty of the Police Chief, immediately after impounding any cattle found running at large, to notify the owner by personal communication, or, if unknown, in a newspaper of local general circulation or to post such notice in three (3) public places in the town describing the cattle or fowl so impounded. Such notice shall be posted for not less than five (5) days.

3.304. SALE OF IMPOUNDED ANIMALS.

After the lapse of five (5) days, if cattle so impounded are not redeemed, they shall be sold at public auction or otherwise, by the Police Chief, to defray the expense of keeping them. Any surplus from such sale, over and above the expenses, shall be paid to the owner of the impounded animal but, if the owner is unknown, the town shall retain the surplus funds.

3.305. RECOVERY OF IMPOUNDED ANIMALS.

The owner of any animal impounded under this Article may redeem such animal at any time before sale by paying five dollars (\$5.00) for each and every head of cattle, and one dollar (\$1.00) for other impounded animals before the animals can be released. For each day after the first day, the owner shall pay an additional one dollar (\$1.00) for each animal to repay the town for the daily feeding of same.

3.306. RESERVED.

(Editor's Note. For cross-reference for "Livestock" provisions, generally, see Chapters 7 and 9 of the 1976 SC Code, Title 47.)

3.307. KEEPING HOGS PROHIBITED.

It shall be unlawful for any person to have, keep or maintain hogs or pigs within the corporate limits.

3.307.1 KEEPING OF CHICKENS.

It shall be unlawful to raise or keep chickens within the Town limits unless the chickens are maintained as follows:

- a. An annual permit fee of \$20.00 will be charged.
- b. No more than six (6) chickens can be maintained.
- c. No roosters can be kept within the Town limits.
- d. All chickens must be contained in a pen or coop constructed in a manner satisfactory to the Codes Enforcement Officer.
- e. The pen or coop must be located in a backyard no closer than 25 feet of any property line.
- f. Persons wishing to maintain chickens must have written permission from their neighbor(s) who's property lines are within 100 feet of the chicken coop.
- g. Any person receiving two complaints regarding the care of chickens shall forfeit the right to raise chickens and the Town will take legal steps to remove the chickens from the premises. (Ord. 2012-4, 6/14/12)

3.308. NUISANCES.

Any fowl, bird or animal which shall by sound, odor or sight interfere with materially or affect the health, comfort, peace or quiet of the people is hereby declared to be a nuisance,

3.309. FAILURE TO ABATE NUISANCES.

Any person harboring, keeping or possessing or having in custody or control any fowl, bird or animal which constitutes a nuisance as defined in this Chapter, who shall fail or refuse to take such action or do such things as will abate such nuisance when requested in writing to do so by the Chief of Police, shall be guilty of a misdemeanor.

ARTICLE IV. BIRD SANCTUARY

(1976 South Carolina Code, 5-7-30)

3.401. ESTABLISHMENT OF BIRD SANCTUARY.

The entire area situated within the corporate limits is hereby designated a bird sanctuary.

3.402. UNLAWFUL INTERFERENCE WITH BIRDS.

Subject to 3.403 herein, it shall be unlawful to trap, hunt, shoot or attempt to shoot or molest in any way any bird or wild fowl or to rob nests or wild fowl nests.

3.403. BIRDS CONSTITUTING A NUISANCE.

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 County Board of Health, the Council shall meet with said health authorities to resolve the problem. If no satisfactory course of action is found to abate such nuisance at such meeting, said birds may be destroyed in such manner and in such numbers as is deemed advisable by said health authorities under the supervision of the Chief of Police, and as approved by the Council.

3.404. FARM LANDS, SWAMPS EXCLUDED.

The provisions of this Article shall not apply to farm lands or to swamplands situated within the corporate limits.

ARTICLE V. WILD, EXOTIC OR ENDANGERED ANIMALS.

3.501. POSSESSION OF WILD, EXOTIC OR ENDANGERED ANIMALS

- a. No person shall keep or be permitted to keep on his premises any wild, exotic, or endangered animal for sale, hire display or for exhibition purposes whether gratuitously or for a fee. This section shall not be construed to apply to zoological parks, performing animal exhibitions, or circuses.
- b. No person shall keep or be permitted to keep any wild, exotic, or endangered animal as a pet.
- c. For the purposes of this section, wild or exotic animal includes, but not limited to, any member of the following families, including hybrids thereof, which due to their inherent nature, may be considered dangerous to humans, and further defined as follows:
 - (1) Class Mammalia
 - a. order Artiodactyla (hippopotamuses, giraffes, camels, deer, not cattle or swine or sheep or goats)
 - b. Order Carnivora
 - i. Family Felidae (lions, tigers, cougars, leopards, ocelots, servals, not domestic cats)
 - ii. Family Canidae (wolves, coyotes, foxes, jackals, or hybrids of same, not domestic dogs)
 - iii. Family Ursidae (all bears)
 - iv. Family Mustelidae (weasels, skunks, martins, minks, not ferrets)
 - v. Family Procyonidae (raccoons, coatis)
 - vi. Family Hyaenidae (hyenas)
 - vii. Family Viverridae (civets, genets, mongooses, binturongs)
 - c. Order Edentata (anteaters, armadillos, sloths)
 - d. Order Marsupialia (opossums, kangaroos, wallabies, not sugar gliders)
 - e. Order Perissodactyla (rhinoceroses, tapirs, not horses or donkeys or mules)
 - f. Order Primates (lemurs, monkeys, chimpanzees, gorillas)
 - g. Order Proboscidae (elephants)
 - (2) Class Reptilia
 - a. Order Squamata
 - i. Family Varanidae (only water monitors and crocodile monitors)
 - ii. Family Iguanidae (only green iguanas and rock iguanas)
 - iii. Family Boidae (all species whose adult length has the potential to exceed eight feet in length)
 - iv. Family Colubridae (only boomslangs and African twig snakes)
 - v. Family Elapidae (such as coral snakes, cobras, mambas, etc.) – All species.
 - vi. Family Natricidae (only keelback snakes)

- vii. Family Viperidae (such as cooperheads, cottonmouths, rattlesnakes, etc.) – All species.
 - b. Order Crocodilia (such as crocodiles, alligators, caimans, gavials, etc.) – All species.

(3) Class Aves

- a. Order Struthioniformes

1. Family Struthionidae (Ostrich) All species

- b. Order Casuariiformes

1. Family Dromiceidae (Emu and Cassowary) All species.

(d) For the purposes of this section, endangered animal means any animal or hybrid thereof that has been classified as endangered by the federal government.

(Ord. 2008-9, 7-10-08)