

STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. 025-24HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 5, ANIMALS AND FOWL.

Pursuant to the authority granted by the Constitution of the State of South Carolina and the General Assembly of the state of South Carolina, BE IT ENACTED BY RICHLAND COUNTY COUNCIL:

SECTION I. The Richland County Code of Ordinances; Chapter 5, Animals and Fowl, is hereby amended by the deletion of the language contained therein and the substitution of the following language:

CHAPTER 5: ANIMALS

Sec. 5-1. Definitions.

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

Abandon. The owner or custodian's failure to provide for its animal the necessities of life and well-being or to desert, forsake, or give up absolutely its animal without securing another owner or custodian. This section does not include the responsible return of community cats trapped, sterilized, and returned to the area from which they were trapped.

Abuse. The act of an owner or custodian who deprives its animal of necessary sustenance or shelter, or of a person who inflicts unnecessary pain or suffering upon an animal, or of a person causing these things to be done.

Animal shall mean, in addition to dog and cat, any organism of the kingdom of Animalia, other than a human being.

Animal Care Officer. A person employed by the county to enforce the animal care program.

Animal Care Facility. A premise designated or selected by the county for the purpose of impound, care, adoption, or euthanasia of animals held under the authority of this chapter.

At large. Not under restraint or confinement.

Commercial pet breeder. A person, partnership, corporation, association, or establishment engaged in a business, occupation, profession, or activity in which one or more dogs are owned, kept, harbored, or boarded and used for a stud for which a fee is charged and/or used for breeding purposes for which a fee is charged for the offspring.

Community Cat, also called “free-roaming cat.” A domestic cat that is no longer in a domesticated environment or one of its descendants and that lives outdoors full-time and has no known owner. Pets and/or house cats which are outdoors periodically are specifically excluded from this definition.

Custodian. A person who, regardless of the length of time, keeps, has charge of, shelters, feeds, harbors, or takes care of any animal, or is otherwise acting as the owner of an animal. A custodian is not necessarily the owner. This definition does not apply to citizens engaged in humane TNR activity associated with the trap, sterilize, and return of community cats.

Dangerous or vicious animal.

(a) Dangerous or vicious animal means:

- (1) An animal which the owner or custodian knows, or reasonably should know, has the propensity, tendency, or disposition to, without provocation, attack, cause injury to, or otherwise endanger the safety of human beings, domestic animals, or livestock;
- (2) An animal which bites or attacks a human being, domestic animal, or livestock one or more times without provocation, whether or not such bite or attack occurs on the premises of the animal’s owner;
- (3) An animal, while not under restraint or confinement, which commits one or more acts, without provocation, that causes a person to reasonably believe the animal will bite or attack and cause bodily injury to a human being, domestic animal, or livestock; or
- (4) An animal kept or harbored by its owner or custodian primarily, or in part, for the purpose of animal fighting or which has been trained for animal fighting.

(b) An animal shall not be deemed dangerous or vicious if:

- (1) The animal bites, attacks, or commits an unprovoked act upon, as described in subsection (a):
 - a. A human being or animal assaulting its owner or custodian;
 - b. A human being or animal trespassing upon the property of its owner or custodian. For the purpose of this definition, trespassing means entering or remaining upon the property of another without permission or legal privilege; or
 - c. A human being or animal which has abused or tormented it;
- (2) The animal is protecting or defending its offspring or another animal; or
- (3) The animal is acting in defense of an attack upon its owner or custodian or other person.

Domestic. To share the genetic makeup and/or physical appearance of its ancestors which were historically domesticated for human companionship and service.

Feral animal. An animal which may be an individual domesticated animal who is no longer in a domesticated environment, or one of their descendants.

Fowl. Birds kept for domestic, or utility purposes including, but not limited to, chickens, hens, roosters, guineas, ducks, geese, turkeys, emus, and poultry.

Harboring. Allowing an animal to, regardless of the length of time, remain, be lodged, or be fed upon or within a premise which the person occupies or owns. Premises include, but is not limited to, dwellings, buildings, yards, and enclosures.

Impound. The humane confinement of the animal by an Animal Care Officer at an animal care facility.

Livestock. Cattle, sheep, horses, goats, swine, mules, asses, and other animals ordinarily raised or used on a farm.

Owner. A person who:

- (1) Has a property right in the animal;
- (2) Keeps or harbors the animal, has it in its care or acts as its custodian; or
- (3) Permits the animal to remain on or about premises it owns or occupies.

This definition does not apply to citizens engaged in humane TNR activities associated with trapping, sterilizing, and returning community cats.

Pet. Domestic dog (*canis lupus familiaris*) and/or domestic cat (*felis catus*). When applicable, pet shall also mean an animal kept lawfully for pleasure rather than utility or commercial purposes, including fowl.

Provocation. An act done towards an animal that a reasonable person would expect to enrage such an animal to the extent the animal would be likely to, or did, bite, attack, and/or cause bodily injury. Provocation includes, but is not limited to, teasing, harassing, beating, torturing, injuring, or intentionally causing pain to an animal. When an animal is attacked on the property of its owner or custodian by another animal off its owner's or custodian's property, the attack will be presumed unprovoked, absent clear evidence to the contrary. Provocation does not include actions on the part of an individual that pertain to reasonable efforts of self- defense, defense of others, or defense of another animal.

Seizure. The removal of an animal from an individual's property or possession, without the consent of the owner or custodian, by an Animal Care Officer as a result of a violation or alleged violation of the provisions of this chapter or to satisfy an order entered by the court.

Shelter. Unless stated otherwise, a structure reasonably expected to protect the animal from exposure to the elements of weather or adverse conditions where such exposure could cause the animal physical suffering or impairment.

Tether. To fasten, chain, tie, secure, or restrain an animal by a collar or harness to a dog house, tree, fence, or other stationary object or structure.

Under restraint or confinement. Under restraint or confinement shall mean an animal that is:

- (1) On the premises of its owner or custodian indoors;
- (2) On the premises of its owner or custodian outdoors on a leash or other similar restraining device or within a fenced-in area;
- (3) On the premises of its owner or custodian while accompanied by its owner or custodian; or
- (4) Off the premises of its owner or custodian while accompanied by its owner or custodian and is under physical control of such owner or custodian by means of a leash or other similar restraining device.

Unincorporated area of the county. The unincorporated area of Richland County and all areas located in municipalities with which Richland County has an agreement for animal services.

Sec. 5-2. License for dogs and cats; rabies vaccination tags.

- (a) For the purpose of this section, *pet* shall mean domestic dog and/or domestic cat.
- (b) It shall be unlawful for the owner or custodian of a pet to fail to obtain a current county pet license for a pet over four (4) months of age.
 - (1) The county Animal Services Department shall annually provide a sufficient number of durable tags suitable for pets, numbered from one (1) upwards, on which shall be stamped the year and the words “pet license.” Such tags must be worn by all pets within the unincorporated area of the county at all times.
 - (2) The county Animal Services Department shall maintain the name and address of each party to whom a license and tag have been issued under the provisions of this section and shall keep the same on file in the offices of the department for the purpose of identification.
 - (3) It shall be unlawful for the owner or custodian of a pet over four (4) months of age to fail to vaccinate the pet and obtain a current rabies vaccination tag showing that such pet has been vaccinated by a licensed veterinarian. No license will be issued unless proof of vaccination is shown.
 - (4) A pet owner or custodian who moves into the unincorporated area of the county for the purpose of establishing residency shall have thirty (30) calendar days in which to obtain the license.
- (c) License fees.
 - (1) Annual license fees. Annual license fees for fertile and sterilized pets shall be established by the county council. Licenses will expire one (1) year after the

date of issue and owners/custodians must renew the license prior to its expiration.

- (2) Exemptions from annual license fees. The following owner/custodian classifications of fertile pets shall be exempt from paying the higher license fee for fertile pets. These exempt persons shall be required to purchase a license for their fertile pet and will pay the same license fee as required for sterilized pets:
 - a. A pet owner or custodian who can furnish a statement from a licensed veterinarian that the pet, due to health reasons, could not withstand sterilization surgery;
 - b. An owner or custodian of a purebred pet who can furnish proof of participation in a nationally recognized conformation or performance event occurring within the past twelve (12) months; or
 - c. An owner or custodian of a dog currently being used for hunting purposes who can furnish proof the dog has been properly registered with a nationally recognized organization which sanctions hunting tests and/or field trials.
- (3) An owner or custodian of a dog which is trained to be an assistance/service dog shall be required to obtain an annual license but shall not be required to pay a license fee.

Sec. 5-3. Permit for commercial pet breeding.

- (a) For the purpose of this section, *pet* shall mean domestic dog and domestic cat. A commercial pet breeder is permitted to operate in the unincorporated area of the county so long as the breeder obtains from the county Animal Services Department a commercial pet breeder permit and meets all other requirements established by federal, state, or local laws. The breeder permit application process should begin prior to a litter being delivered.
- (b) It shall be unlawful for a commercial pet breeder to fail to obtain a county commercial pet breeder permit from the county Animal Services Department. To obtain a commercial pet breeder permit:
 - (1) Before applying for a permit, the applicant must first have obtained:
 - a. A County Business License issued by the Richland County Business Service Center; and
 - b. County pet licenses and rabies vaccinations for all pets over four (4) months of age kept or harbored by the breeder as set forth in Section 5-2.

- (2) The permit applicant must complete a commercial pet breeder permit application. An application is complete when filled out properly and accompanied by a copy of a valid County business license and proof of pet licensing and vaccination, where applicable. Incomplete applications will not be accepted.
- (3) The permit applicant must pass an inspection. The Animal Services Department, through its Animal Care Officers, shall conduct an inspection of the premise upon which the pets are primarily kept to ensure the following requirements, along with the requirements set forth in Section 5-4, are met:
 - a. The enclosure or other area(s) where the pets are kept is constructed in such a manner that pets housed there will be adequately and comfortably kept in any season of the year;
 - b. The enclosure or other area(s) where the pets are kept is able to be easily cleaned and sanitized and kept clean and free from accumulations of feces, filth, mud, and debris;
 - c. Every pet on the premises has constant access to a clean and fresh water supply and an adequate amount of food appropriate to maintain each pet's normal condition of health;
 - d. The premise where the pets are kept is set up in such a manner as to prevent pets from straying beyond their enclosed confines or other areas and prevents the public and stray animals from obtaining entrance thereto or making contact with the pets on the premise;
 - e. Permits shall be displayed in a conspicuous place inside of the physical location shown on the application.
 - f. The above-listed requirements must be maintained throughout the period of time for which the permit is issued and failure to maintain these requirements may result in a revocation of the permit.

(c) Restrictions:

- (1) A permit will not be issued to an applicant who has been previously found guilty of violating any federal, state, or local laws or regulations pertaining to animal cruelty within five (5) years of the date of application.
- (2) A permit will only be valid if there also exists a valid business license and only for the applicant and location listed on the application. The permit is non-transferable.

- (3) Any violation or alleged violation of this chapter shall be grounds for the revocation of the permit. The county Animal Services Department shall determine, in its sole discretion, whether the permit is to be revoked and shall communicate the revocation to the breeder in writing. Revocation means the breeder shall cease all commercial breeding activity until a new valid permit is issued or the revocation is rescinded and failure to do so will subject the breeder to penalties. The breeder may appeal the revocation by submitting to the Animal Services Director a writing setting forth the reasons for the appeal. Only what is submitted in writing will be considered. The written appeal must be received by the Animal Services Director within seven (7) business days of the revocation notice and the Animal Services Director will review the written appeal and issue its determination to rescind or uphold the revocation within thirty (30) calendar days of receipt of the appeal.
- (d) The annual fee for a commercial pet breeder permit is non-refundable and shall be established by county council. The permit shall expire one (1) year after the date of issue.
- (e) The county Animal Services Department shall maintain the name and address of each party to whom a permit has been issued under the provisions of this section and shall keep the same on file in the offices of the department for the purpose of identification.

Sec. 5-4. Animal care, generally.

- (a) It shall be unlawful for an owner or custodian to fail to provide its animals with:
 - (1) Necessary sustenance, such as sufficient good and wholesome food, in an adequate amount to sustain flesh or permit normal growth and an adequate amount of clean water that is not sour, filthy, or spoiled. Food and water should be of the appropriate amounts and type for the species;
 - (2) Proper protection from the weather;
 - (3) Veterinary care when needed to prevent suffering or care for a diseased, sick, or injured animal;
 - (4) Humane care and treatment. It shall be unlawful for a person to tease, molest, beat, cruelly treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit dogfighting or other combat between animals or between animals and humans; or
 - (5) Proper shelter. Proper shelter for an animal primarily kept outdoors and unattended includes, but is not limited to:
 - a. Dogs.
 - 1. The shelter should be of weatherproof construction, have a roof, enclosed sides, a doorway, and a solid level floor raised

at least two inches from the ground. There shall be no cracks or openings other than the entrance except that rainproof openings for ventilation are acceptable in hot weather.

2. The shelter shall be small enough to allow the dog to maintain warmth and body heat, but large enough to allow the dog to stand, turn around, and lie down.
3. When the real or effective temperature is forty (40) degrees Fahrenheit or below, a sufficient amount of dry bedding, such as cedar shavings or straw, must be provided to insulate against the cold and dampness.
4. The following is not considered proper shelter: Storage buildings, sheds, crates, pet carriers, barrels, screened porches, patios, or balconies, nor the areas under lean-tos, covered porches, decks, vehicles, or houses.

b. Livestock.

1. The shelter should provide protection from heavy rain, snow, and high wind and provide sufficient shade in the summer.
2. The shelter for large livestock and healthy horses and cattle does not have to be manmade. Natural shelters, such as trees, are acceptable. However, a windbreak must be provided.
3. The shelter for small livestock and unhealthy horses and cattle must be in the form of a barn or pen of sufficient capacity and strength to properly accommodate the number of animals contained therein.

(b) It shall be unlawful for a person to leave an untethered pet outdoors unattended for two (2) continuous hours or longer without access to fresh water and shelter, as defined in this chapter, regardless of temperature.

(c) It shall be unlawful for a person to leave an untethered pet outdoors unattended for thirty (30) minutes or longer during a consecutive four (4) hour period when:

- (1) The temperature is below forty (40) degrees Fahrenheit for a sustained four (4) hour period, unless adequate shelter, as defined in this chapter, is provided to protect the animal from the elements; or
- (2) The temperature is above ninety (90) degrees Fahrenheit for a sustained four (4) hour period, unless adequate shade is provided to protect the animal from the elements.

(d) It shall be unlawful for a person to improperly collar or harness a pet. Collars and harnesses must be made of leather, nylon, or similar material and properly fitted for

the pet's measurements and body weight so as to not choke or impede the pet's normal breathing or swallowing and to not cause pain or injury to the pet. Logger chains, towing chains, and similar items are not permitted to be used as collars or harnesses. Pet-safe metal collars, chain collars, prong collars, or choke collars are permitted to be used while the pet is accompanied by its owner/keeper or custodian.

- (e) It shall be unlawful for a person to expose an animal to a known poisonous substance, whether mixed with food or not, so that the same shall be reasonably expected to be eaten by the animal; EXCEPT that it shall not be unlawful for a person to expose on their own property pest or vermin deterrent substances to prevent the spread of disease or the destruction of crops, livestock, or property. In no instance shall a feral or community cat or domestic animal be considered vermin.
- (f) It shall be unlawful for a person to fail to remove from a shelter or confinement area excrement, debris, standing water, or mud. No person shall fail to keep a shelter or confinement area clean, odor-free, and free of bloodsucking insects that are carriers of disease.
- (g) No person, except a licensed veterinarian, shall perform an operation to crop, notch, or split an animal's ears and/or tail.
- (h) It shall be unlawful for a person to dye or color artificially an animal, including fowl, with products not identified as pet-safe or to bring such dyed or colored animal into the unincorporated area of the county.
- (i) It shall be unlawful for an owner or custodian to abandon an animal in the unincorporated area of the county.

Sec. 5-5. Running at large.

- (a) It is unlawful for an animal to be at large. All animals must be kept under restraint or confinement and an animal not so restrained or confined will be deemed unlawfully running at large. This section shall not apply to domestic cats that have been sterilized or community cats trapped, sterilized, and returned.
- (b) Dogs 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.
- (c) Dogs properly within the enclosed boundaries of a dog park shall not be considered at large. A dog park shall mean an enclosed area, owned and/or operated by the county, a municipality, or private entity, designed, intended, and used for domestic dogs to play and exercise off-leash in a controlled environment under the supervision of their owners or custodians.
- (d) An animal found running at large may be impounded by an Animal Care Officer and may be redeemed pursuant to Section 5-17 only upon authorization by the county

Animal Services Department, with assurance from the owner or custodian that proper care and custody will be maintained.

Sec. 5-6. Nuisance animals.

- (a) It shall be unlawful for an owner or custodian to keep an animal in such a manner so as to constitute a nuisance. The actions of an animal constitute a nuisance when the animal 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 or public property.
- (b) By way of example, and not of limitation, the following acts or actions by the owner or custodian of an animal are hereby declared to be a nuisance and are, therefore, unlawful:
 - (1) Failure to exercise sufficient restraint necessary to control the animal as required by Section 5-5,
 - (2) Attracting stray and/or feral cats to an area by means of providing food, water, and/or shelter. This provision does not apply to citizens performing these acts to trap, sterilize, and return community cats. This
 - (3) Allowing or permitting an animal to damage the property of another including, but not limited to, turning over garbage containers or damaging gardens, flowers, or vegetables;
 - (4) Maintaining an animal in a manner which could or does lead to the animal biting or attacking a human being, domestic animal, or livestock one or more times without provocation, whether or not such bite or attack occurs on the premises of the animal's owner.
 - (5) Maintaining animals in an environment of unsanitary conditions which results in offensive odors or is dangerous to the animal or to the public's health, welfare, or safety;
 - (6) Maintaining property in a manner that is offensive, annoying, or dangerous to the public's health, welfare, or safety because of the number, type, variety, density, or location of the animals on the property;
 - (7) Maintaining an animal that is diseased and dangerous to the public's health, welfare, or safety;
 - (8) Maintaining an animal that habitually or repeatedly chases, snaps at, or attacks pedestrians, bicycles, or vehicles; or
 - (9) Failure to keep female animals in heat confined in a building or secured enclosure in such a manner as will not create a nuisance by attracting other animals

- (c) An animal determined to be a nuisance by an Animal Care Officer may be caught or seized and impounded pursuant to this chapter and may be redeemed pursuant to Section 5-17 only upon authorization by the county Animal Services Department, with evidence presented by the owner or custodian that the situation creating the nuisance has been abated.

Sec. 5-7. Dangerous or vicious animal.

- (a) The Animal Services Director or its designee shall have the authority to determine if an animal is dangerous or vicious. Upon determining an animal is dangerous or vicious, the Animal Services Director or its designee shall serve written notice of such determination upon the owner or custodian at their last known address.
- (b) The owner or custodian of a dangerous or vicious animal shall properly confine the animal at all times. Proper confinement is as follows:

(1) Dogs:

- a. If the animal is indoors, the animal must be kept in such a manner as to prevent the animal from, without provocation, attacking, causing injury to, or otherwise endangering the safety of individuals or other animals also located indoors.
- b. If the animal is outdoors and attended, the animal shall be muzzled, on a leash or attached to a similar physical restraining device, and under the physical control of the owner or custodian at all times.
- c. If the animal is outdoors and unattended, in addition to the requirements set forth in Section 5-4(a), the animal must be confined in a locked pen or "run" area that consists of a secured top and at least four (4) sides which are at least six (6) feet high. The shelter floor must be concrete or the sides must be buried at least twelve (12) inches in the ground.
- d. Proper confinement provisions of this subsection shall not apply to an animal owned by a licensed security company while the animal is patrolling the premises at the direction of the company. However, when off of the patrolled premises, the animal shall be properly confined as set forth in this subsection.

(2) Other animals:

- a. If the animal is indoors, the animal must be kept in such a manner as to prevent the animal from, without provocation, attacking, causing injury to, or otherwise endangering the safety of individuals or other animals also located indoors.

- b. If the animal is outdoors and attended, the animal must be restrained on a leash or attached to a similar physical restraining device, and under the control of the owner or custodian at all times.
 - c. If the animal is outdoors and unattended, the animal must be confined in a locked pen or "run" area that is set up in such a manner as to prevent the animal from straying beyond its enclosed confines and prevents the public and other animals from obtaining entrance into or making contact with the animal.
 - d. The Animal Services Director may, at its discretion and dependent upon the type of animal, set forth other reasonable requirements in the interest of protecting the public's health, welfare, or safety. These additional requirements shall be communicated to the owner or custodian in writing.
- (c) The premises upon which a dangerous or vicious animal is kept or harbored must have posted a sign visible to the public cautioning the public to beware of the animal located on the premises. By way of example, and not limitation, a sign reading "Beware of Dog" or "Beware of Animals" is sufficient.

Sec. 5-8. Tethering.

- (a) It shall be unlawful to tether a pet outdoors for two (2) continuous hours or longer, unless:
 - (1) The pet is older than six (6) months;
 - (2) The tether is a minimum of twelve (12) feet in length and has swivel-type termination at both ends and the tether weight does not exceed ten (10) percent of the pet's body weight. Logger chains, towing chains, and other similar tethering devices are not acceptable;
 - (3) The tether must be attached to the pet with a buckle-type collar or a body harness. Logger chains, towing chains, and similar items are not permitted to be used as collars or harnesses. Pet-safe metal collars, chain collars, prong collars, or choke collars are permitted to be used while the pet is accompanied by its owner/keeper or custodian;
 - (4) The pet is tethered so as to prevent injury, strangulation, or entanglement with objects, vegetation, or other tethered animals;
 - (5) The pet has access to fresh water and shelter, as defined in this chapter;
 - (6) The pet is not sick or injured;
 - (7) Every female confined by a tether and unattended is sterilized; and

- (8) The temperature is above forty (40) degrees and less than ninety (90) degrees Fahrenheit, EXCEPT:
- a. If the temperature is below forty (40) degrees Fahrenheit for a sustained four (4) hour period, the animal may be tethered for thirty (30) minutes in a consecutive four (4) hour period so long as adequate bedding and shelter, as defined in this chapter, are provided to protect the animal from the elements; or
 - b. If the temperature is above ninety (90) degrees Fahrenheit for a sustained four (4) hour period, the animal may be tethered for thirty (30) minutes in a consecutive four (4) hour period so long as shade is provided to protect the animal from the elements.

Sec. 5-9. Sale of animals.

- (a) No person shall sell, trade, barter, auction, lease, rent, give away, or display for commercial purpose, an animal, on any roadside, public right-of-way, public property, commercial parking lot, or sidewalk adjacent thereto, or at any flea market, fair, or carnival.
- (b) No person shall offer an animal as an inducement to purchase a product, commodity, or service.
- (c) No person shall sell, offer for sale, or give away a pet under eight (8) weeks of age, except to surrender to a municipal and/or county animal care facility or to a licensed pet rescue organization.
- (d) This section does not apply to licensed pet shops, commercial kennels, municipal and/or county animal care facilities, and licensed pet rescue organizations.

Sec. 5-10. Care of animals during transport.

During the transportation of an animal, the animal must be provided with adequate space and ventilation, and must not be confined in one area for more than twenty-four (24) consecutive hours without being adequately exercised, rested, fed, and watered.

Sec. 5-11. Injured or diseased animals.

- (a) Anyone striking a domestic or feral dog or cat with a vehicle shall notify the county Animal Services Department who will then take action necessary to make proper disposition of the animal. Vehicle, as defined in this section, includes all self-propelled and non-self-propelled vehicles, such as motor vehicles and bicycles.
- (b) A domestic or feral dog or cat received by an animal care facility in critical condition from wounds, injuries, or disease may receive sustaining treatment by a licensed veterinarian until such time as the animal's owner, custodian, or veterinarian is contacted. Every effort shall be made to effectuate contact via information obtained

from the animal's tag or microchip. Any such animal in critical condition, as described in this section, may be euthanized if the owner, custodian, or veterinarian cannot be contacted within two (2) hours of receipt of the animal. If the animal is in severe pain it may be euthanized immediately by agreement between the animal care facility superintendent and a licensed veterinarian.

Sec. 5-12. Removal of excrement.

The owner or custodian of every animal shall be responsible for the removal of excretions deposited by their animal on public property, in recreation areas, or on the private property of another.

Sec. 5-13. Prohibited, exceptions.

- (a) Except as provided in subsection (b), it shall be unlawful for a person to publicly display or exhibit, sell, keep, harbor, own, or act as custodian of:
 - (1) Non-domestic members of the cat family (Felidae);
 - (2) Wolf-dog hybrids, and/or a animal containing any percentage of wolf;
 - (3) Badgers, wolverines, weasels, skunks, and minks (in the family of Mustelidae);
 - (4) Raccoons (Procyonidae);
 - (5) Bear (Ursidae);
 - (6) Nonhuman primates which include apes, monkeys, baboons, macaques, lemurs, marmosets, tamarins, and other species of the order primates (Haplorrhini);
 - (7) Bats (Chiroptera);
 - (8) Semi-aquatic reptiles in the order of Alligators, crocodiles, and caimans (Crocodylia);
 - (9) Scorpions (Scorpiones);
 - (10) Constricting snakes of the following species: Reticulated Python (*Python reticulatus*), Burmese Python (*Python bivittatus*), Indian rock Python (*Python molurus*), African Rock Python (*Python Sebae*), and Anaconda (*Eunectes murinus* - all types);
 - (11) Venomous reptiles;
 - (12) Lizards over two feet which is a member of the family carnivorous and frugivorous lizards (Varanidae);
 - (13) Non-domesticated members of the order placental mammals (Carnivora);
 - (14) Other wildlife not listed;

- (15) Animals of mixed domestication and feral lineage; or
 - (16) Other animals where its behavior, size, temperament, breed, or capacity for inflicting serious injury is or may be detrimental to the health, welfare, or safety of people or animals in the immediate surrounding area.
- (b) The prohibitions contained in subsection (a) shall not apply in the following circumstances:
- (1) The keeping of such animals in a public zoo, a bona fide education or medical institution, by a humane society, or in a museum where they are kept as live specimens for the public to view or for the purpose of instruction, research, or study;
 - (2) The keeping of such animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit, or show pursuant to properly obtained federal, state, and/or local licenses and/or permits;
 - (3) The keeping of such animals in a licensed veterinary hospital for treatment; or
 - (4) The keeping of such animals by a wildlife rescue organization with appropriate federal, state, and/or local licenses and/or permits obtained from applicable regulatory bodies.

Sec. 5-14. Seizure and right of entry to protect abandoned, neglected, or cruelly treated animals.

- (a) If the owner or custodian does not give permission, the Animal Care Officer may obtain a search warrant to enter onto privately owned premises of which an Animal Care Officer suspects a violation of this chapter exists thereon. Once upon the premises, the officer may examine the animal and may immediately seize the animal when, in the officer's sole opinion, removal of the animal from the premises is necessary for the immediate protection of the animal or the public, and shall issue a uniform ordinance summons to the owner or custodian.
- (b) If the animal cannot be seized in a safe and efficient manner, the Animal Care Officer may tranquilize the animal by use of a tranquilizer gun.
- (c) After the animal is seized pursuant to this section, the Animal Care Officer shall petition the appropriate magistrate for a civil hearing and order pursuant to Section 5-16.
- (d) Nothing in this section shall be construed as to prohibit the immediate euthanizing of an animal after the initial seizure and without regard to a civil hearing or the uniform ordinance summons criminal proceeding when:
 - (1) The animal is determined by the animal care facility superintendent or its designee, in agreement with a licensed veterinarian, to be a danger to other

animals or persons at the animal care facility, infectious to other animals, in pain, or near death; or

- (2) The animal is determined by the animal care facility superintendent or its designee, in agreement with a licensed veterinarian, to be critically injured or ill and must be euthanized for humane purposes.

Sec. 5-15. Impounding, surrender.

- (a) An animal found within the unincorporated area of the county as a result of a violation or alleged violation by the owner or custodian, whether known or unknown, of the provisions of this chapter may be caught or seized and impounded by an Animal Care Officer. If the animal cannot be caught or seized in a safe and efficient manner, the Animal Care Officer may tranquilize the animal by use of a tranquilizer gun.
- (b) When a person is, at the time of an arrest, in charge of an animal, the county Animal Services Department may take charge of the animal and deposit the animal in a safe place of custody or impound the animal at its animal care facility.
- (c) Nothing in this subsection shall be construed as to prohibit the immediate euthanizing of an animal after impoundment and without regard to a civil hearing or the uniform ordinance summons criminal proceeding when:
 - (1) The animal is determined by the animal care facility superintendent or its designee, in agreement with a licensed veterinarian, to be a danger to other animals or persons at the animal care facility, infectious to other animals, or in pain or near death; or
 - (2) The animal is determined by the animal care facility superintendent or its designee, in agreement with a licensed veterinarian, to be critically injured or ill and must be euthanized for humane purposes.
- (d) An owner or custodian may surrender its animal to the animal care facility upon the completion of a signed surrender form. Upon surrender, the animal shall become the property of the county Animal Services Department with title to ownership vested therein and may be placed for adoption or euthanized. It shall be unlawful for a person to furnish false information on the animal surrender form.

Sec. 5-16. Civil hearing petition and hearing procedure.

- (a) Except as provided otherwise in this chapter, an Animal Care Officer may, upon its own initiative, petition the appropriate magistrate for a civil hearing when:
 - (1) A person suspected of violating any provision of this chapter is charged by an Animal Care Officer with such violation; or

- (2) An Animal Care Officer finds an animal within the unincorporated area of the county as a result of a violation or alleged violation by the owner or custodian, whether known or unknown, of the provisions of this chapter.
- (b) The civil hearing will be held (prior to the uniform ordinance summons criminal proceeding) to determine physical custody of the animal and at the conclusion of that hearing, the magistrate shall issue an order with its determination of whether the animal remains with or is returned to the owner or custodian or whether title to ownership is transferred to the county Animal Services Department.
- (c) The civil hearing shall be set not more than ten (10) business days from the date the animal was impounded. The Animal Care Officer or its designee shall, at least five (5) business days prior to the civil hearing, serve written notice of the time and place of the civil hearing upon the owner or custodian if known and residing within the jurisdiction wherein the animal is found. If the owner or custodian is unknown or cannot be found within the jurisdiction wherein the animal was found, the Animal Care Officer shall post a copy of the civil hearing notice at the property where the animal was seized
- (d) In determining whether the owner or custodian is able to adequately provide for the animal or is a fit person to own or have custody of the animal, the magistrate may take into consideration the owner or custodian's convictions under this chapter and convictions similar thereto, the owner or custodian's mental and physical condition, and other applicable criteria; and
- (1) Notwithstanding subsection (2), if the civil hearing is held in response to a violation or alleged violation of this chapter and the magistrate orders the animal to remain with or be returned to its owner or custodian, the animal care facility shall release the animal pursuant to Section 5-17, provided that all other redemption requirements are met; or
- (2) If the civil hearing is held in response to a violation or alleged violation of Section 5-7 and the magistrate orders the animal to remain with or be returned to its owner or custodian, the magistrate is to include in its order that the animal is not to be released until the magistrate receives from the Animal Care Officer confirmation the owner or custodian has proper confinement for the animal as defined in Section 5-7, provided that all other redemption requirements are met.
- (e) If the owner or custodian does not redeem the animal within seven (7) business days of the issuance of the magistrate's order, the animal shall become the property of the county Animal Services Department and may be placed for adoption or euthanized.

- (f) Nothing in this section shall be construed as to prohibit the immediate euthanizing of an animal after seizure or impoundment and without regard to a civil hearing or the uniform ordinance summons criminal proceeding when:
 - (1) The animal is determined by the animal care facility superintendent or its designee, in agreement with a licensed veterinarian, to be a danger to other animals or persons at the animal care facility, infectious to other animals, or in pain or near death; or
 - (2) The animal is determined by the animal care facility superintendent or its designee, in agreement with a licensed veterinarian, to be critically injured or ill and must be euthanized for humane purposes.

Sec. 5-17. Redemption.

- (a) The owner or custodian of an animal impounded pursuant to the provisions of this chapter shall have the right to redeem such animal prior to the applicable redemption deadline upon payment of all fees, proof of vaccination, and an implanted microchip, provided that all other redemption requirements have been met. The fees set forth shall be doubled for a pet impounded twice or more within the same 12-month period. An animal attempted to be redeemed after the redemption deadline may not be released to the owner or custodian without due cause as determined solely by the Animal Services Director or its designee.
- (b) Impounded animals must be spayed or neutered prior to redemption, unless the owner or custodian of the animal can provide:
 - (1) A statement from a licensed veterinarian that the animal, due to health reasons, could not withstand sterilization surgery;
 - (2) Proof of participation in a nationally recognized conformation or performance event occurring within the past twelve (12) months; or
 - (3) Proof the animal is currently being used for hunting purposes and has properly been registered with a nationally recognized organization which sanctions hunting tests and/or field trials.
- (c) Positively identifiable animals:
 - (1) A positively identifiable animal is one which bears or wears a legible and traceable current permanent number, county license tag or rabies vaccination tag, tattoo, or microchip pursuant to S.C. Code of Laws Annotated Section 47-3-510 (1999) or one which is known by the county Animal Services Department to belong to an owner or custodian positively identifiable by the county Animal Services Department.
 - (2) With the exception of an animal to be released by a magistrate's order, the county Animal Services Department shall notify the owner or custodian of a

positively identifiable impounded animal at the last known address by registered mail that the dog is in its possession. The owner or custodian has fourteen (14) calendar days from the date of mailing to notify the county Animal Services Department or the animal care facility that they will redeem the animal and (14) calendar days from that notification to redeem the animal from the animal care facility. The animal must be redeemed pursuant to Section 5-17, provided that all other redemption requirements are met.

- (3) Animals released pursuant to a magistrate's order must be redeemed within seven (7) business days after the issuance of the order, provided that all other redemption requirements are met.
- (d) Non-positively identifiable animals must be redeemed within five (5) calendar days of impound.
- (e) If the owner or custodian of an animal impounded at the animal care facility fails to redeem the animal within the prescribed time, the animal will be deemed abandoned, shall become the property of the county Animal Services Department with title to ownership vested therein, and may be placed for adoption or euthanized.
- (f) If the animal has been impounded more than once for a violation of this chapter, the animal shall be spayed or neutered by the animal care facility, regardless of whether proof pursuant to subsection (b) is provided, and the costs of such shall be added to all other required redemption fees.

Sec. 5-18. Adoption.

- (a) An animal impounded under any provision of this chapter, which is the property of the county Animal Services Department, may be adopted, provided the new owner agrees to comply with the provisions contained herein and pays all applicable fees.
- (b) Individuals adopting puppies or kittens too young to be neutered, spayed, or receive rabies vaccinations at the time of adoption will pay the cost of these procedures at the time of adoption and be given an appointment for a later date to have these procedures performed. The fees paid for these procedures will be refunded if the animal is deceased prior to the appointment date.

Sec. 5-19. Interference with animal care officers.

It shall be unlawful for a person to interfere with, hinder, or molest an Animal Care Officer in the performance of their duty or seek to release an animal in the custody of an Animal Care Officer without such officer's consent.

Sec. 5-20. Complainant's identification.

A person reporting a violation of this chapter and/or requesting a summons be issued must provide identification to the Animal Care Officer. The identity, or information tending to reveal the identity, of an individual who in good faith makes a complaint or otherwise

discloses information, which alleges a violation of this chapter, shall remain confidential, unless the complainant authorizes the release of their identity.

Sec. 5-21. TNR/Community Cat Diversion.

“Trap, Neuter, and Return or TNR is the approach to preventing or reducing cat overpopulation whereby community cats located in the county may be: humanely trapped by citizens, spayed or neutered, vaccinated, and eartipped by licensed veterinarians; and returned to the area from which they were trapped. This approach is also referenced in this chapter as “trap, sterilize, and return.” Richland County recognizes the need to prevent or reduce cat overpopulation and that citizens voluntarily engage in humane TNR activity to achieve this goal with cooperation from facilities which may elect to implement programs to assist citizens with the TNR approach. Facilities, as defined in this section, means facilities which are not the county’s animal care facility, and are: veterinary hospitals or clinics operated by veterinarians or facilities operated, owned or maintained by an incorporated humane society or other nonprofit organization for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals. Community Cats are exempt from licensing and related fees.

Sec. 5-22. Penalties.

- (a) A 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 five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both. Each day's continuing violation shall constitute a separate and distinct offense.
- (b) An owner or custodian of an animal convicted of violating Section 5-4(a)(4) of this chapter forfeits ownership, charge, or custody of the animal and at the discretion of the court, the person convicted of such violation may be ordered to pay all costs incurred by the county Animal Services Department prior to the conviction to care for the animal and related expenses.

SECTION II. Severability. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION III. Conflicting Ordinances. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION IV. Effective Date. This ordinance shall be effective from and after July 16, 2024.


RICHLAND COUNTY COUNCIL

BY: Jessica Mackey
Jessica Mackey, Chair

Richland County Attorney's Office
Robert D. King III
Approved as to LEGAL form ONLY
NO Opinion Rendered As To Content

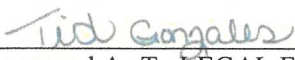
Attest this 17th day of

July, 2024



Anette A. Kirylo
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE



06/26/2024
Approved As To LEGAL Form Only.
No Opinion Rendered As To Content.

Public Hearing: July 2, 2024
First Reading: April 9, 2024
Second Reading: July 2, 2024
Third Reading: July 16, 2024