

STATE OF SOUTH CAROLINA)
)
COUNTY OF MARLBORO)

ORDINANCE NO. 672

AN ORDINANCE TO REPEAL THE EXISTING ANIMAL CONTROL ORDINANCE AND TO AMEND THE MARLBORO COUNTY CODE OF ORDINANCES, RELATING TO ANIMAL CONTROL

BE IT ORDAINED BY THE COUNCIL OF MARLBORO COUNTY, SOUTH CAROLINA, in lawful assembly, as follows:

Ordinance 464 of the Marlboro County Code is hereby repealed and replaced with the following ordinances:

Section 1. Authority.

This chapter is enacted pursuant to South Carolina Code sections 4-9-30(14) (1976) and 4-9-25, which provide for the enactment of ordinances for the implementation and enforcement of the powers of county council in reference to public health, public safety, police protection and sanitation as referred to in section 4-9-30(5). This chapter is enacted to promote the general health, safety and welfare of the citizens of the county. This chapter is further enacted pursuant to section 47-3-20 et seq. of the South Carolina Code of 1976 which empowers the governing body of each county to enact ordinances and promulgate regulations for the control of pets and to prescribe penalties for violations thereof.

Section 2. Definitions.

For the purposes of this chapter, the following words and phrases shall have the following meanings ascribed to them:

Abandonment. A situation in which the owner/caretaker of a pet does not provide for humane disposal of the pet, or transfer ownership to a responsible person or who does not provide or arrange for adequate food, water, shelter and care.

Animal. Any live, vertebrate creature, domestic or wild, including pets.

Animal control officer: Any person or persons designated by the county administrator and all person or persons commissioned by county council to perform animal control functions under the laws of the State of South Carolina and charged with the enforcement of this chapter.

Animal control: Any department or division of Marlboro County Government, designated by the county administrator or commissioned by county council to perform animal control functions under the laws of the State of South Carolina and charged with the enforcement of this chapter.

Animal control facility: Any facility owned and operated by the Marlboro County Government or place so designated by Marlboro County Council or Municipality

for the purpose of impounding, harboring, care, adoption, or euthanasia of seized, stray, homeless, abandoned, or unwanted dogs, cats, or other animals.

At large. Any pet that is not under restraint. Any pet not so restrained will be deemed unlawfully running at large.

Auctions. Any place or facility where animals are regularly bought, sold or traded, except for those facilities otherwise defined in this chapter. This section does not apply to individual sale of animals by owners.

Cattery. Any person engaging in the business of breeding, buying, selling or boarding of cats.

County. The unincorporated area of the county and any municipality which has agreed in writing with the county council for animal control services and which has adopted appropriate legislation.

Custodian. Any person having custody or custodial power.

Dangerous animal. As used in this article, "dangerous animal" means and includes:

- (1) An animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury, or to otherwise endanger the safety of human beings or domestic animals;
- (2) An animal which attacks a human being or domestic animal without provocation;
- (3) An animal owned or harbored primarily or in part for the purpose of fighting or an animal trained for fighting.
- (4) A wild animal: All animals commonly accepted as being "undomesticated or normally found living in the 'wild'" including, but not limited to, the following, no matter how domesticated they may be:
 - (a) Alligators and crocodiles.
 - (b) Bears.
 - (c) Bobcats, tigers, leopards, lions, and panthers.
 - (d) Coyotes, foxes, wolves, including the offspring of one of the foregoing with a domestic dog wherein the proportion of wild animal exceeds one-eighth.
 - (e) Porcupine.
 - (f) Non-human primates.
 - (g) Raccoon.
 - (h) Skunks.
 - (i) Venomous snakes, constrictor snakes.
 - (j) Venomous lizards.
 - (k) Weasels, except ferrets.
 - (l) Members of the cervidae (deer) family.

*Specific animals are excluded from applicability under this definition listing in every instance where South Carolina state laws or DHEC regulations permit specified activities or possessions.

Euthanasia, euthanize, euthanized. When an animal is impounded, such terms shall mean the methods of destruction provided by the Code of Laws of South Carolina.

Exposure to rabies. Any person or animal which has been bitten by or exposed to any animal known to have been infected with rabies. This determination shall be made by

the South Carolina Department of Health and Environmental Control as provided for in state law.

Fancier. A person who owns or keeps three (3) or more dogs or cats for noncommercial hunting or for breeding purposes in order to regularly participate in tracking, exhibition in shows, or field or obedience or performance trials at AKC (American Kennel Club), UKC (United Kennel Club), CFA (Cat fancier Association), or other nationally recognized licensed shows.

Kennel. Any person or organization engaging in the business of breeding, buying, selling or boarding of animals.

Maltreatment. The act of any person who deprives any pet of necessary sustenance or shelter, or inflicts unnecessary pain or suffering upon any pet, or causes these things to be done in such a manner to threaten the life of the animal.

Neutered pet. Any animal which has been operated on to prevent conception or other method performed by a licensed veterinarian.

Owner. Including, but not limited to, any person who has a right of property in an animal; keeps or harbors an animal or who has it in his care or acts as its custodian; or permits such animal to remain on or about premises occupied by such person for a period of at least seventy-two (72) hours.

Pet. A domesticated animal, such as, but not limited to, a dog or cat.

Public nuisance. Any pet found at large or making loud or objectionable sounds.

Restraint. A situation in which a pet is:

- (1) Under sufficient physical restraint, such as a leash, cage, bridle or similar effective device which restrains and controls the animal, or within a vehicle or adequately contained by a fence on the premises or other secure enclosure. If the physical restraint used is a leash, bridle, or other device requiring a person to control the animal, the person using such restraint must be of sufficient age and physical size or ability to reasonably restrain the animal. If the secure enclosure is an invisible fence system, then all components of the system must be in working order and in proper place. Additionally, there must be a visible, permanent sign on the premises stating that there is an invisible fence.
- (2) If a responsible person is physically outdoors, and immediately adjacent to the animal, on the land where the owner of the animal resides, and the animal is under the person's direct control and is obedient to that person's commands, it shall be considered under restraint during the duration of the time the animal is in the company and under the control of that adult and the animal is on the premises.

Running at large. An animal not under restraint as provided for in the definition of "restraint" above.

Sterilized pet. Any pet that has had surgery to remove the reproductive organs.

Stray and abandoned animals. An animal running at large which has no identifiable owner.

Venomous reptiles. Any reptile that is venomous and poses serious health and safety concerns including, but not limited to, snakes and lizards.

Veterinary hospital. Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

Section 3. Protection of responsible animal owners.

In adopting this chapter, county council's intention is to provide control of vicious animals and animals whose owners assume no responsibility for their keeping and care and which destroy or damage property or constitute an active nuisance or danger to residents of the county. It is the intention of county council that animal control officers and animal shelter personnel be alert to protect responsible animal ownership so that no animal shall be destroyed solely by reason of a technical violation of this chapter without other consideration. Animal control officers shall be expected by county council to exercise reasonable prudence and consideration for responsible animal ownership.

Section 4. Powers and duties of animal control officer.

- (a) The position of animal control officer is hereby established. The animal control officer, and such assistant animal control officers as may be provided for, shall have the power to enforce this chapter, to cooperate with the health department in quarantining animals, to levy penalties and to carry out the duties and assume the responsibilities of this chapter. For the purpose of enforcing this chapter, the sheriff, deputy sheriffs, magistrates, constables, and the police officers of any incorporated municipality which has reached an agreement with the county council are authorized and instructed to assist the animal control officers. The animal control officer shall have the power of impoundment of any stray animal and in any of the other circumstances of impoundment described in this chapter.
- (b) The animal control officer shall maintain such records as may be prescribed by the county administrator and as necessary to account for the activities of that office.
- (c) The animal control officer and assistant officers shall enforce this chapter in all areas of the county except as otherwise determined
- (d) Whenever it is necessary to make an inspection to enforce any of the provisions of this chapter, or other applicable law, or whenever the animal control officer or deputy has reasonable cause to believe that there exists in any building or upon any premises any violation of this chapter or other applicable law, the animal control officer or deputies are empowered to enter and inspect such property at any reasonable time and perform any duty imposed upon them by this chapter, but only if the consent of the occupant or owner of the property is given or a search warrant is obtained as follows:
 - (1) If such property is occupied, the deputy or animal control officer shall first present credentials to the occupant and request entry explaining the reasons thereof.
 - (2) If such property is unoccupied, the deputy or animal control officer shall first make a reasonable effort to locate the owner and other persons having control of the property to present proper credentials and request entry explaining the reasons.
 - (3) If such entry is refused or cannot be obtained because the owner or the person having control or charge of the property cannot be found after due

- diligence, a deputy or animal control officer may obtain a search warrant and conduct a search or inspection of the property.
- (4) Notwithstanding any other provision of this chapter, the deputy or animal control officer shall have the authority to enter upon any property to enforce the provision of this chapter or other applicable law if violation of such law is being committed in the presence of police or animal control officer and in any emergency situations wherein a person or animal needs immediate protection.
 - (5) The officer may then demand to examine such animal and take possession of it when, in the officer's opinion, it requires removal from the premises and violation of this chapter has occurred.
- (e) No person shall interfere with, hinder or molest the animal control officers in the execution of their duties or seek to release any animal in the custody of the animal control officer, except as provided in this chapter.
 - (f) When an animal is found in violation of any one (1) point of this chapter, it need not be impounded, but the animal control officers, at their discretion, may issue to the owner a notice of violation.

Section 5. Operation of animal shelter.

The animal shelter shall be operated to impound, care for, quarantine or euthanize animals held pursuant to this chapter. The county may enter into contracts with organizations or individuals for the operation of the animal shelter and may contract with municipalities for the use or operation of animal shelters.

Section 6. Identification tag.

- (a) ***Identification tag.*** It shall be unlawful for any dog or cat owner who resides in the county to fail to provide their dog or cat over four months of age with an identification tag indicating the owner's name, address, and telephone number. The owner of any above-described animal must have their animal vaccinated and must have a current rabies vaccination tag showing that such animals have been vaccinated. State law shall apply to all cats.
- (b) ***Rabies tag.*** It shall be unlawful for the owner of any dog or cat in the county not to have the dog or cat vaccination tag issued to them by the veterinarian administering the rabies vaccine. Dogs and cats for which the owner cannot promptly display a valid rabies tag, may be impounded. A ferret for which the owner cannot promptly display a valid rabies tag may be impounded. Proper records of vaccinations of both cats and dogs must be available upon request of the animal control officer or applicable law enforcement officer.

Section 7. Restraint and confinement.

- (a) The owner/custodian shall keep his pet under restraint at all times.
- (b) Invisible fencing must be clearly marked and labeled (i.e. sign on mailbox post, free standing sign, etc.).

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- (c) No pet shall be permitted to be off the land where the owner resides, or on other private property with that property owner's permission, unless on a leash at all times.
- (d) No person owning or harboring or having the care or the custody of a dangerous animal may permit the animal to go unconfined on his premises. A dangerous animal is unconfined if the animal is not confined securely indoors or confined in a securely enclosed fence or securely enclosed and locked pen or run area upon the person's premises. The pen or run area must be clearly marked as containing a dangerous animal and must be designed to prevent the entry of the general public, including children, and to prevent the escape or release of the animal. The animal must not be removed from such building or enclosure unless the pet is securely muzzled and under restraint on a leash, bridle, or other device of sufficient strength to handle the animal and requiring a person to control the animal; the person using such restraint must be at least eighteen (18) years of age and physical size or ability to reasonably restrain the animal.
- (e) Any person reporting a violation of this section must identify himself to the animal control officer and must sign a nuisance violation.
- (f) If an animal control officer observes an animal at large, they may pursue the animal onto private property.
- (g) Exemptions:
 - (1) No hunting dog is required to be constrained by a leash while it is actually engaged in hunting game during hunting season and while under supervision. As used in this section, "supervision" means that the owner of the hunting dog or his designee is either in the vicinity of the hunting dog or in the process of trying to retrieve the hunting dog.
 - (2) No assistance dog is required to be constrained on a leash while it is engaged or prepared to engage in assisting the owner and while under supervision. As used in this section, "supervision" means that the owner of the assistance dog or his designee is in the vicinity of the assistance dog.
- (h) Refer to section 9 for animal redemption fees and policies.

Section 8. Impoundment.

- (a) Any domesticated or exotic animal that is found to be un-owned or to be in violation of any provision of this chapter is subject to immediate impoundment if the animal's owner is non-existent, unknown, or found to be unavailable after a reasonable attempt to identify, locate, and/or notify the animal's owner has been made. A notification tag will be placed on the door of the residence determined to be the most likely owner of the animal based on available information. Any animal that is so impounded shall be held by the shelter for five (5) working days, excluding the day of impoundment. Section 47-3-540 shall apply.
- (b) If the owner of the animal appears during the five-day holding period, the owner may redeem the animal by paying the applicable impoundment and boarding fee, any and all outstanding civil citations that may have been issued pursuant to a

violation of this chapter, and also by bringing the animal into full compliance with all provisions of this chapter and any applicable state law. The animal shall not be released to the owner until the owner has fully complied with the above requirements. The owner shall have ten calendar days from when they first appear and claim the animal in which to accomplish such compliance and redeem the animal. The owner shall be responsible for a boarding fee for the entire time the animal is held by the shelter. Failure to do so shall result in the forfeiture of the animal to the shelter. The animal control officer may grant a time extension to any owner actively attempting to redeem their animal.

- (c) Any animal impounded under the provisions of this article and not claimed by its owner within five (5) business days becomes the property of county animal control and may be humanely destroyed or placed for adoption.
- (d) Nothing in this section shall prevent the forfeiting an impounded animal pursuant to any other provision of this chapter or state law.

Section 9. Redemption.

- (a) The owner shall be entitled to resume possession of an impounded pet, except as provided in this section in the cases of certain pets, upon providing proof of a current rabies inoculation for the pet being held and proper identification requirements and the payment of redemption fees set forth in this section.
- (b) The owner of an impounded pet must apply for the redemption of his pet. The pet may not be released unless authorized by the animal control officer with written assurance from the owner that proper care and custody will be maintained.
- (c) The fees in this subsection shall be collected from the owner by the animal control officer and turned over to the county treasurer, who shall make a monthly accounting of such funds. Fees shall be established as part of the annual county budget ordinance.
- (d) If an owner redeeming a pet cannot show proof of a current rabies inoculation for the pet being held, the owner shall be required to bring proof of inoculation within five (5) business days.
- (e) For the purposes of this section, it shall be deemed that the owner is notified when the animal control officer makes telephone contact with the owner, or notification is left on the door of the best known address of the owner. Such notification shall at a minimum identify the animal, advise the owner of how and where to redeem the animal, and indicate that if, within the five-day time period from the date of impoundment, the owner does not pay all redemption fees and redeem the animal, then the animal shall become the property of Marlboro County for disposition.
 - (1) The owner must identify the animal by giving detailed verbal, written, photographic, or other acceptable description of the animal to the animal control officer.
 - (2) Payment of all fees due, which include but are not limited to the following:
 - a. Minimum redemption fees set by county council are as follows, which may be adjusted by chapter or resolution of the council in subsequent years:

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1. First impoundment. \$25.00 per animal.
 2. Second impoundment. \$50.00 per animal.
 3. Third and subsequent impoundments. \$100.00 per animal.
- b. A boarding fee of \$10.00 per day per animal or such fee as may be set by county council.
 - c. A pickup fee of \$10.00 per animal or such fee as may be set by county council.
 - d. Veterinary costs and/or medically necessary costs if animal control incurred any expenses for the medical care of the animal while it was impounded in the custody of the department.
- (f) Fees collected for impoundment shall be turned over, in accordance with established county policies, to the Marlboro County Treasurer, who shall make monthly accounting of such funds.
- (g) Pursuant to Section 47-3-780 of the SC Code of Laws, 1976 as amended, any animal adopted from animal control must be spayed or neutered by a licensed veterinarian within 30 days of adoption of a sexually mature pet or within 12 weeks of a non-sexually mature animal. Written verification from a licensed veterinarian is required for proof of spaying or neutering and this proof must be provided to animal control. Failure to provide proof of spaying or neutering will result in a \$50.00 fine plus court costs, and the immediate forfeiture of same animal.

Section 10. Owner relinquishment.

- (a) In the case of an owner relinquishing a pet or animal to animal control, the owner shall be required to:
- (1) Complete a relinquishment form, which shall include at least the following information:
 - a. Name, address and phone number of relinquishing owner.
 - b. Name, age, breed, sex, and spay/neuter status of pet or animal.
 - c. Veterinary data.
 - d. Any behavioral or medical problems of pet or animal.
- (b) * Upon completion of relinquishment procedures, the pet or animal shall be held for a period of no less than 5 days before it become the property of the animal control and may be placed for adoption or euthanized at the discretion of animal control.

Section 11. Animal rescue agency adoption policies.

- (a) Animal rescue agencies can participate in a no fee adoption of animals provided that the following requirements are met by the rescue agency:
- (1) Documentation that identifies the rescue agency as a non-profit organization.
 - a. Certificate of incorporation for a 501(c)(3) non-profit organization.

- b. A tax-exempt certificate from the IRS.
- (2) The name, address and telephone number of the non-profit rescue agency.
- (3) The address of where the animal(s) will be housed while the rescue agency attempts to find a third-party adopter.
- (4) A list of names of members of the non-profit rescue agency who are authorized to sign for and pick up animal(s).
- (5) Any approved non-profit rescue organization agrees to allow a representative of Marlboro County to inspect their facility at the county's request.
- (6) Each animal rescue agency must agree to provide written proof to animal control of spay or neuter and rabies vaccination (by a state licensed veterinarian) of sexually mature animals prior to a third party adoption. (Exceptions: Non-sexually mature pets must be spayed or neutered and vaccinated no later than three months post adoption from animal control.)
- (7) Each animal rescue agency must agree to have all animals, adopted from animal control, micro chipped prior to a third party adoption.
- (8) The rescue agency will have no more than 15 "no fee" animals in inventory which have been acquired through this no fee adoption program.
- (9) All animals adopted from animal control are on "as is" condition and animal control makes no guarantee, neither written nor implied, as to the health, condition or temperament of any animal.
- (10) The non-profit organization is solely responsible for any and all medical and/or veterinary care of any animal adopted from animal control.
- (11) The non-profit organization agrees to provide documentation of the final adoption for all animal(s) adopted from animal control upon request. The documentation must include the name of the person adopting the animal, the person's address, phone number and a copy of the adoption agreement between the person adopting the animal and the non-profit organization.
- (12) There will be no charge for animals adopted from animal control if all the above requirements are satisfied. If all requirements are not satisfied, at any time, then the non-profit rescue organization will be removed from the list of agencies authorized to adopt from animal control at no costs.
- (13) Any animal that has demonstrated any aggressiveness toward any person or animal shall be considered by animal control to be unadoptable.

Section 12. Nuisance animals.

- (a) It shall be unlawful for any person to own, keep, possess or maintain an animal in such a manner as to constitute a public nuisance or a nuisance to neighbors. By way of example and not of limitation, the following acts or actions of an owner of an animal are hereby declared to be a public nuisance and are, therefore, unlawful:
 - (1) Having an animal that 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 his property;

- (2) Permitting an animal 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) Maintaining animals in an environment of unsanitary conditions or lack of cleanliness which results in offensive odor or is dangerous to the public health, welfare or safety, or failing to maintain a condition of good order and cleanliness which reduces the probability of transmission of disease;
 - (4) Maintaining property 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 animals on the property;
 - (5) Allowing or permitting an animal to bark, whine, howl, crow, cackle, or cause noise in an excessive, continuous or untimely fashion so as to interfere with the reasonable use and enjoyment of neighboring premises;
 - (6) Maintaining an animal that is diseased and dangerous to the public health;
 - (7) Maintaining an animal that habitually or repeatedly chases, snaps at, attacks or barks at pedestrians, joggers, dogs walked on a leash by owners, bicycles or vehicles;
 - (8) Failing to confine a female dog or cat while in season in a building or secure enclosure in such a manner that she cannot come into contact with another dog or cat or creates a nuisance by attracting other animals. However, this subsection shall not be construed to prohibit the intentional breeding of animals within an enclosed, concealed area on the premises of the owner of an animal which is being bred; or
 - (9) Failing to remove feces deposited by a dog on any public street, sidewalk, gutter, park or other publicly owned property or private property unless the owner of the property has given permission allowing such use of the property. This subsection shall not apply to visually impaired persons who have charge, control or use of guide dogs or persons using dogs in conjunction with activities of a law enforcement agency.
- (b) Any person reporting a violation of this section must identify himself to the animal control officer and must sign a nuisance violation. Anonymous reports of alleged nuisances under this section shall not be investigated solely on the basis of the anonymous report.
- (c) In addition to any other enforcement remedies available under this chapter, if the animal control officer shall declare an animal a nuisance under this section, the officer has the authority to order the owner to confine the animal or otherwise abate the nuisance as provided herein. It shall be unlawful for the owner to fail to comply with such an order or with the instructions in the order. Any animal, which has been determined to be an habitual nuisance by the animal control officer may be impounded and shall not be returned to the owner until said owner can produce evidence to demonstrate that the situation creating the nuisance has been abated and until such owner has paid all impoundment, redemption, and boarding fees accrued as defined in section 9.

- (d) Any person violating any provision of this section shall be subject to a civil fine as follows:
 - (1) For a first offense the person, upon conviction, shall be fined \$100.00 plus any related court costs.
 - (2) For second or subsequent offenses, the person, upon conviction, shall be fined \$250.00 plus any related court costs.
 - (3) Each day's violation of any provision of this section shall constitute a separate offense.

Section 13. Abandonment and maltreatment.

- (a) It shall be unlawful for the owner/custodian of any pet in the county to abandon it.
- (b) It shall be unlawful for anyone in the county to treat any pet in a cruel and/or inhumane manner.

Section 14. Dangerous dogs.

- (a) The owner of a dangerous dog shall notify animal services if any changes occur with the following:
 - (1) Ownership of the dog.
 - (2) Name, address and telephone number of a new owner/custodian.
 - (3) Address change of the owner/custodian or any change in the location in which the dog is housed.
 - (4) Any change in the health status of the dog.
 - (5) Death of the animal.
- (a) If the dog is outdoors and attended, the dog shall be muzzled, on a leash no longer in length than three (3) feet, of sufficient tensile strength for the type of animal being controlled and under the control of the owner/custodian.
- (b) If the dog is outdoors and unattended, the dog must be locked in an escape-proof kennel. Minimum standards shall include the following:
 - (1) Fencing materials shall be of nine (9) gauge or less wire and shall not have openings with a diameter of more than two (2) inches.
 - (2) Any gates within such pen or structure shall be padlocked and of such design to prevent the entry of children or the escape of the dog.
 - (3) The required pen or structure shall have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides shall be imbedded into a minimum of four (4) inches of concrete.
 - (4) The pen or structure shall protect the animal from the elements.
 - (5) A universal sign denoting a dangerous animal shall be displayed on all four (4) sides of the pen or structure.
 - (6) The pen or structure shall be of sufficient size for the type of animal being contained therein.

- (c) Other requirements:
 - (1) Identify a dog by having the dog wear, at all times, a fluorescent yellow or orange collar available upon payment of a fee, from animal control or any commercially available collar made with a minimum two (2) inch wide Reflexite © fluorescent yellow or orange material.
 - (2) Post on the premises, in a conspicuous place where the animal is kept, at least one (1) warning sign with the wording "CAUTION - DANGEROUS ANIMAL ON THIS PROPERTY. The sign shall be visible and capable of being read from all contiguous public highways or streets.
- (d) Unless a newly declared dangerous animal can be properly secured by the owner, a dangerous animal shall be held at the shelter, or a secure veterinary facility or Humane Society shelter, pending construction of the necessary enclosure or pending trial.
- (e) If any person is aware of facts that a particular dog has exhibited menacing or aggressive tendencies towards any person, he may file a sworn affidavit with the magistrate's court setting forth those facts. If the magistrate determines, based on the affidavit or other factors he deems relevant, that there is probable cause to believe the dog is aggressive or menacing thereby posing a potential threat to the safety of any person, he shall issue an order directing any animal control officer or law enforcement officer to immediately impound the dog and deliver the dog to the Marlboro County Animal Shelter.
- (f) In addition, if any law enforcement officer or animal control officer personally observes aggressive or menacing behavior or observes fresh evidence of such behavior such as an injury to a person caused by a dog bite, such officer shall immediately impound the dog and deliver the dog to the Marlboro County Animal Shelter. On the next day in which the magistrate's office is open for business, the officer shall file a report with the magistrate's court setting forth the facts leading to the impoundment of the dog.
- (g) The magistrate shall conduct a hearing within five working days after the dog is impounded or within five working days after receiving a return from the officer charged with impounding the dog reciting that the dog could not be located. All persons believed to be owners of the dog shall be given notice of the hearing. The hearing may proceed regardless of whether or not the owner of the dog appears at the hearing. At the hearing, the magistrate shall receive evidence, according to rules of law, and he shall determine whether the dog is an aggressive or menacing dog which poses a threat to the safety of any person.
- (h) If the magistrate determines that the dog does not have menacing or aggressive tendencies, he shall order the dog released to the owners, if the identity of the owners is known. Otherwise, the dog shall be placed with the Marlboro County Animal Shelter and treated as if it were a stray dog.
- (i) If the magistrate determines the dog does have menacing or aggressive tendencies, he shall proceed as follows:
 - (1) If the owner of the dog appears at the hearing and submits himself to the jurisdiction of the court, the owner shall be allowed to present evidence to the magistrate that he owns or has access to a parcel of property where

the dog can be confined and agrees to keep the dog confined thereon so that the dog will not pose a danger to persons in Marlboro County. If the magistrate finds that the proposed arrangements are satisfactory to protect persons in Marlboro County, the magistrate may, in his discretion, order the dog released to the owner, and in that event, shall further order that the dog be kept at the location identified by the owner and that the owner take whatever steps are necessary to prevent the dog from being able to move beyond the boundaries of the property unless the dog is being transported in an enclosed vehicle or being walked while securely tethered to a lead not more than four feet in length by a person with sufficient strength and experience to control the dog and prevent the dog from attacking or menacing any person.

- (2) If the owner of the dog is not a resident of Marlboro County, but appears at the hearing and submits himself to the jurisdiction of the court, the magistrate may, in his discretion, order the dog released to the owner, and in that event, shall further order that the dog be permanently kept out of Marlboro County.
 - (3) If the owner of the dog does not appear at the hearing or the magistrate, in his discretion, finds that the evidence presented by the owner that the owner can confine the dog is not credible, he shall order the dog forfeited to Marlboro County. If the dog was not impounded prior to the hearing because the dog could not be located, or for any other reason, the magistrate shall further order that the dog be impounded and delivered to the Marlboro County Animal Shelter if it is discovered in Marlboro County at any point in the future.
- (j) If the dog is returned to the owner pursuant to Section 14 – J (1), and if the dog thereafter leaves the parcel of property upon which it is required to be kept contrary to the provisions of the magistrate’s order, the owners of the dog and any persons in control of the dog at that time shall be guilty of a misdemeanor.
 - (k) If the dog is returned to the owner pursuant to Section 14 – J (2), and the dog is subsequently brought back into Marlboro County, the owners of the dog or any person bringing the dog back into Marlboro County shall be guilty of a misdemeanor.
 - (l) Upon conviction, those persons may be imprisoned for up to thirty days for each offense. In addition to or as an alternative to imprisonment, the sentencing magistrate may fine the owners or person in control of the dog any amount which is within the jurisdiction of magistrates to impose for violations of county ordinances, not to exceed \$1,000.00 plus costs. The sentencing magistrate shall also order the dog forfeited to Marlboro County and order the dog be seized by any law enforcement or animal control officer.
 - (m) Nothing in this ordinance shall limit the right of any person or officer to destroy a dog that is actively menacing or attacking any person if reasonably necessary to prevent the dog from causing injury.

Section 15. Protection against dangerous animals.

Any person who finds an animal on his property in the act of chasing, charging, attacking, biting, leaping at or destroying any person, pet, cattle, sheep, horses, mules, goats, hogs or domestic fowl, and which exhibits fierceness or hostility by snarling or the baring of teeth or the bristling of hair may use reasonable force, including deadly force, to repel the animal even if such animal wears owner identification and rabies tags, if such force is necessary to prevent injury.

Section 16. Injured, diseased and dead animals.

- (a) Any pet received by animal services in critical condition from wounds, injuries or disease may be destroyed at the discretion of the animal services officer and/or the animal services coordinator if the owner/custodian cannot be contacted. If the pet is suffering great pain, it may be destroyed immediately.
- (b) The owner/custodian of any pet, which dies, shall immediately provide for its burial or cremation if he knows of its death and the location of its remains.

Section 17. Rabies control.

- (a) It shall be unlawful for any person to own, keep, or harbor any dog, cat or ferret within the county where such dog, cat or ferret is older than twelve weeks of age unless such animal has been inoculated against rabies as provided herein. A person shall have thirty days from the time they acquire a dog or cat or ferret, four months of age or older, to obtain the necessary rabies inoculation.
- (b) The penalty for violating this section shall be \$50.00 per violation, payable to animal control; provided however, that proof of vaccination shall be accepted in lieu of the fine, for first offense, within three business days from the date of issuance of notice of violation. Each day the animal remains unvaccinated will constitute a separate violation.
- (c) The owner of a dog, cat or ferret must have it inoculated against rabies at a frequency to provide continuous protection of the animal from rabies using a vaccine approved by the South Carolina Department of Health and Environmental Control (SCDHEC) and licensed by the United States Department of Agriculture, Veterinary Biology Division.
- (d) Evidence of rabies inoculation is a certificate signed by a licensed veterinarian. This certificate shall be in a form approved by the South Carolina Department of Health and Environmental Control (SCDHEC) and will be issued by a licensed veterinarian for each animal stating the name and address of the owner; the name, breed, color and markings, age, and sex of animal; the veterinary or pharmaceutical control number of the vaccine; and the name and address of the licensed veterinarian administering the vaccination.

- (e) Coincident with the issuance of the certificate, the licensed veterinarian shall also furnish a serially numbered metal license tag bearing the same number and year as the certificate and including the name and telephone number of the veterinarian, veterinary practice or hospital.
- (f) It is unlawful in Marlboro County for any person or organization, other than a licensed veterinarian or someone under his/her direct control, to sell or administer rabies vaccine; provided, however, the sale of the rabies vaccine to a licensed veterinarian is not precluded by this section.
- (g) It shall be the duty of every physician or other health practitioner to report to SCDHEC or animal control the name and address of persons treated for bites inflicted by animals. Such other information that will be helpful in rabies control shall also be reported.
- (h) The Marlboro County Sheriff is requested to forward immediately to both Animal control and SCDHEC a copy of each report involving an animal bite.
- (i) When, in the opinion of SCDHEC's regional medical director, an animal with or without identification tags and suspected of having rabies, is involved in a human bite incident, such director shall have the prerogative of ordering the animal to be euthanized and its head submitted for examination to determine if the rabies virus has been transmitted to the bite victim.
- (j) Any animal under ten-day quarantine at animal control or any approved alternate location shall not be released unless such release is authorized by South Carolina DHEC.

Section 18. Enforcement of article.

- (a) The provisions of this article shall be enforced by animal services under the supervision of the officer in all unincorporated areas of the county except wherein the governing body of any municipality, by resolution filed with the clerk to county council, so indicates that it desires the provisions of this article be enforced within the jurisdictional limits of the respective municipality.
- (b) The animal services' staff shall be appointed as county code enforcement officers.
- (c) If the animal control officers are unable to respond to complaints, the county sheriff's department or other authorized law enforcement agency may respond to complaints.
- (d) Persons empowered to enforce this article shall have the authority to destroy any animal, which appears to be dangerous, and may endanger their safety or the safety of other persons or animals.
- (e) The animal control officers will, if necessary, obtain a search warrant to enter any premises upon which it is suspected a violation of this article exists. The officer may demand to examine such pet and take possession of the pet when, in his opinion, it requires removal from the premises.
- (f) No person shall interfere with, hinder or molest the animal controls' staff in the execution of their duties, or seek to release any pet in the custody of animal services.

- (g) When a pet is found in violation of any provision of this article, animal control officers, at their discretion, may:
 - (1) Impound the pet.
 - (2) Issue notice of violation.
 - (3) Issue court summons.

Section 19. Penalty for violation of article.

- (a) In addition to or in lieu of impounding an animal in violation of this chapter or in lieu of other penalties herein, the animal control officer may issue to the owner a notice of violation.
- (b) The owner who wishes to reclaim his/her animal shall pay a redemption fee in an amount established as a part of the annual county budget for the initial offense. For each subsequent offense, the owner shall have the option of either paying a redemption fee in an amount established as a part of the annual county budget or paying an amount established as a part of the annual county budget to have his/her animal sterilized and vaccinated.
- (c) Any person convicted of refusing to comply with the provisions of this article or violating any of the provisions hereof shall be guilty of a misdemeanor and, upon conviction, shall be fined and/or imprisoned as provided for in section 1-10 of the Marlboro County Code of Ordinances for each offense.
- (d) A dangerous animal which attacks a human being or another domestic animal may be ordered destroyed when in the court's judgment the dangerous animal represents a continuing threat of serious harm to human beings or other domestic animals or livestock. Any person found guilty of violating this paragraph shall pay all expenses, including shelter, food, veterinary expenses for boarding and veterinary expenses necessitated by the seizure of any animal for the protection of the public and other expenses as may be required for the destruction of the animal. Furthermore, anyone found guilty of violating this paragraph, if so ordered by a court of competent jurisdiction, shall pay any medical expenses incurred by the victim as a result of an attack by a dangerous animal.

Section 20. The provisions of this Ordinance are declared to be separable, and if any section, phrase, or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, then the declaration shall not affect the validity of the remainder of the sections, phrases, and provisions of this Ordinance.

Section 21. To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Marlboro County Code or in any orders, resolutions, ordinances, and parts thereof, the provisions contained in this ordinance supersede all other provisions and this ordinance is controlling.

Ordinance # 672 – Animal Control

Section 22. This ordinance is effective upon third reading.

AND IT IS SO ORDAINED, this 14th day of September, 2010.

(SEAL)

MARLBORO COUNTY, SOUTH CAROLINA


Dr. Carolyn A. Prince, Chair, County Council

ATTEST:


Susan E. Rivers, Clerk to Council

First Reading:	May 11, 2010
Second Reading:	June 15, 2010 (Tabled)
Second Reading:	August 10, 2010
Third Reading:	September 14, 2010