

TOWN OF SWANSEA, SOUTH CAROLINA
AN ORDINANCE TO REGULATE ANIMALS

WHEREAS, the Town of Swansea, South Carolina (the "Town") desires to help ensure the safety and the health of the residents of the Town;

WHEREAS, the present general and permanent animal control ordinance of the Town of Swansea is insufficient in form and substance for the complete preservation of the public peace, health, safety and general welfare of the Town and for the proper conduct of its affairs;

WHEREAS, Section 5-7-30 of the 1976 S.C. Code of Laws, and other applicable Acts of the General Assembly of the State of South Carolina, empower and authorize the Town of Swansea to compile, index, codify, publish, amend and restate any existing ordinances and all new ordinances not heretofore adopted or published and to incorporate such ordinances into one ordinance book form, as a permanent, public record of the actions of Council; and

WHEREAS, Town Council, as governing body of the Town, has authorized a specific compilation, revision, codification and indexing of the Ordinance provided for herein, and for the repeal of any provisions of ordinances concerning the subject matters set forth in the Ordinance which are inconsistent with said codification.

NOW, THEREFORE, be in enacted by the Town of Swansea Town Council (the "Town Council") as follows:

Section 1. The Ordinance entitled "Animal Control" published by the Town of Swansea, consisting of Chapter 1, Articles I – III, each inclusive, is adopted (the "Ordinance").

Section 2. All ordinances of a general and permanent nature enacted on or before March 27, 2023, and not included in this Ordinance or recognized and continued in fore by reference therein, shall remain in full force and effect to the extent they are not inconsistent with the provisions of this Ordinance.

Section 3. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Ordinance or any ordinance or resolution, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine not exceeding \$500.00 or by imprisonment not exceeding 30 days. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Ordinance section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the Town may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

Section 4. Additions or amendments to the Ordinance when passed in such form as to indicate the intention of the mayor and council to make the same a part of the Ordinance shall

be deemed to be incorporated in the Ordinance, so that reference to the Ordinance includes the additions and amendments.

Section 5. This Ordinance shall become effective March 27, _____, 2023.

Section 6. Such Code shall be deemed published as of the day of its adoption and approval by the Town Council and the Clerk to Swansea Town Council is hereby authorized and ordered to file a copy of such Ordinance in the official records of Swansea Town Council maintained by the Clerk to Council and also in the Office of the Clerk of Court for Lexington County.

Section 7. Any ordinances or parts of ordinances in conflict herewith are, to the extent of the conflict, hereby repealed.

PASSED AND ADOPTED by the Town Council this 27 day of March, 2023.


By:

/s/


Mayor

ATTEST:

/s/


Town Clerk

CHAPTER 1
ANIMAL CONTROL
Table of Contents

ARTICLE I. GENERAL PROVISIONS	Page 1
Section 1.01 Title	Page 1
Section 1.02 Definitions	Page 1
Section 1.03 Exceptions	Page 3
Section 1.04 Animal Services Department	Page 3
ARTICLE II. REGULATIONS	Page 4
Section 2.01 Pets and Other Domesticated Animals	Page 4
Section 2.11 Identification and Rabies Tag	Page 4
Section 2.21 Restraint and Confinement	Page 4
Section 2.31 Abandonment and Maltreatment	Page 5
Section 2.41 Impoundment	Page 5
Section 2.51 Dangerous Animals	Page 6
Section 2.61 Redemption	Page 7
Section 2.71 Adoption	Page 7
Section 2.81 Injured, Diseased and Dead Animals	Page 8
Section 2.91 Regulations Governing Issuance of Permits and Humane Care and Number of Dogs Kept in Town	Page 8
Section 2.02 Livestock	Page 9
Section 2.03 Birds	Page 10
Section 2.13	Page 10
Section 2.23	Page 10
Section 2.33	Page 10
Section 2.04 Exotic Animals	Page 10
Section 2.14	Page 10
Section 2.24	Page 10
Section 2.34	Page 11

Section 2.44	Page 11
Section 2.05 Wild Animals	Page 11
Section 2.06 Nuisance	Page 12
Section 2.07 Commercial Breeding Kennels/Catteries	Page 13
Section 2.08 Permit to Destroy Squirrels Required	Page 13
Section 2.09 Registration of Certain Animals Required	Page 14
Section 2.10 Rabies Control	Page 14
Section 2.11 Certain Animals and Domestic Fowl Prohibited Except in Designated Areas	Page 14
Section 2.12 Keeping of Domestic Chickens	Page 15
ARTICLE III. ENFORCEMENT AND PENALTY	Page 16
Section 3.01 Enforcement of Article	Page 16
Section 3.02 Penalty	Page 16
Section 3.03 Animal Control Fees	Page 16
Section 3.04 Accounting	Page 16

Article I
GENERAL PROVISIONS

Section 1.01 TITLE.

This chapter shall be known as the Town of Swansea Animal Control Ordinance.

(Ord. _____, passed _____-2023)

Section 1.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Abandonment and/or maltreatment. The act of giving up possession or control of an animal by its custodian without transferring ownership or control to a responsible person, or a situation in which the owner/custodian of an animal does not provide for humane disposal of the animal and/or does not provide or arrange for adequate food, water, shelter and humane care. Any person who keeps an animal in a place of captivity or under restraint without providing proper shelter, food or water for twenty-four (24) hours or more may be found guilty of the crime of abandonment.

Animal. Any live vertebrate creature, domestic or wild, which are members of the Kingdom Animalia (including the classes Mammalia, Ayes, Reptilia, Amphibia, and Pisces) except human beings.

Animal Services. The County of Lexington Animal Services Department.

Animal Services Officer. Any person employed by the Town of Swansea or the County of Lexington to enforce the Animal Control Ordinances established by the Town of Swansea and applicable state laws relating to animal control and welfare.

Animal Shelter. Any premises so designated by the Town Council or County of Lexington for the purpose of impounding, caring for, boarding, adopting, sterilizing, or euthanizing animals.

At Large. Any animal that is not on the property or the premises of the owner or guardian and is not under some form of physical restraint or control by the owner by means of a leash, cage or pen, or electronic collar or similar restraining device.

Cat. Any member of the feline family (including cougars, bobcats, lions, tigers, or any other cat). Domesticated cats are members of the feline family which are customarily regarded as domesticated, such as house cats, but excluding lions, tigers, cougars and bobcats, among others.

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

Commercial Boarding Kennel/Cattery. Any establishment for the commercial boarding, grooming, sale or training of dogs/cats for which a fee is charged. An animal hospital maintained by a licensed veterinarian as part of the practice of veterinary medicine for the treatment of animals shall not be considered a "Commercial Boarding Kennel/Cattery."

Commercial Breeding Kennel/Cattery. Any person, partnership or corporation or other legal entity that owns, keeps, harbors or is custodian of pets kept or used for stud for which a fee is charged and/or for breeding purposes for which a fee is charged for the offspring. Commercial Breeding Kennel/Cattery shall not include:

a) Livestock and other farm animals used in customary and normal agriculture husbandry practices.

b) A fancier's kennel/cattery.

Dog. Any domesticated member of the canine family, and excluding non-domesticated canines, such as coyotes, wolves, and wolf-hybrids.

Dangerous Animal. For purposes of this chapter, the term dangerous animal has the same meaning as is set forth in S.C. Code § 47-3-710, as amended, and is subject to the exceptions set forth in Chapter 3 of Title 47. This definition shall include any pet evidencing characteristics usually associated with an abnormal inclination to attack other pets or persons without provocation.

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 American Kennel Club (AKC), United Kennel Club (UKC), or Cat Fancier Association (CFA) licensed shows.

Impound. The placing of animals in an animal shelter or location otherwise specified by an animal services personnel.

Inoculation Against Rabies. The injection (whether subcutaneous or intramuscular) of an antirabic vaccine as approved by the Department of Health and Environmental Control and by the United States Department of Agriculture, Veterinary Biologics Division (S.C. Code § 47-5-20(3)).

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

Law Enforcement. The Town of Swansea Police Department, the Lexington County Sheriff's Department, and any other governmental agency within the Town limits with legal authority to carry out the provisions of this Chapter.

Nuisance. Any animal shall be considered a nuisance that disturbs the rights of or threatens the safety of any member of the public, or interferes with their utilization and enjoyment of their property. This is not limited to but shall include animals at large, animals that make loud noises, and animals that constitute a threat to other domestic pets or livestock.

Owner. The person having custody of or control over an animal. The resident or property owner wherein an animal is found shall be presumed the owner of the said animal(s) if they harbor the animal(s) in their custody and provide care for it, or if they allow or encourage it to remain on their premises.

Pet. Any owned domestic animal, such as, but not limited to a dog or a cat.

Restraint. Any animal that is on the premises of its owner or guardian or is accompanied by its owner or guardian and is under the physical control of the owner by a leash or a similar restraining device.

Wild Animal. Any animal not defined herein as a domestic animal.

Section 1.03 EXCEPTIONS.

Notwithstanding any other provision in this chapter, this chapter shall have no application to fowl, accepted animal husbandry practices of farm operations and the training of animals, the practice of veterinary medicine, agricultural practices, forestry and silvicultural practices, wildlife management practices or activity authorized by Title 50 of the 1976 S.C. Code of Laws, as amended.

Section 1.04 ANIMAL SERVICES DEPARTMENT.

The administration of the Town of Swansea animal control shall be maintained by the County of Lexington Animal Services Department(s).

Article II

REGULATIONS

Section 2.01 PETS AND OTHER DOMESTICATED ANIMALS

Section 2.11 – Identification and Rabies Tag.

(a) It shall be unlawful for the owner of a dog or cat to fail to have an identification tag and rabies tag showing current vaccination securely fastened to the animal which clearly identifies the owner's name and address. Any dog running at large without such identification shall be deemed abandoned by its owner and may be impounded.

(b) The identification tag and rabies tag must be worn by the pet at all times, unless the pet, accompanied by the owner/custodian, is engaged in hunting or other activity where a collar might endanger the pet's safety.

(c) Any person violating the terms of this section is guilty of a misdemeanor and upon conviction must be fined not more than \$100.00 for a first offense and for all subsequent offenses within one (1) year a fine of \$250.00; or imprisonment for not more than thirty (30) days for any offense.

(d) It shall be unlawful for any person to remove a town dog tag or rabies vaccination tag from any animal belonging to another person unless by the direction of the owner thereof.

Section 2.21 – 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, tree)

(c) No pet shall be permitted to be on school grounds or in a shopping area or similar public place 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 animal is securely muzzled and under restraint.

(e) Every female pet in heat shall be kept confined in a building or secure enclosure or in a veterinary hospital or boarding kennel in such a manner so as to not create a nuisance by attracting other pets.

(f) Any person reporting a violation of this section must identify himself to the Animal Services Officer and must sign a nuisance violation.

(g) It shall be unlawful for any person to keep upon his premises any pet that is deemed a public nuisance as further provided in Section 2.06.

(h) If an Animal Services Officer observes an animal at large, they may pursue the animal onto private property.

(i) The owner of every pet shall be responsible for the removal of any excreta deposited by the pet on public walks and ways, recreation areas, or private property. In addition, anyone walking or owning an animal is required to clean up any waste deposited by the animal on public property or the private property of anyone other than the property of the animal's owner.

(j) **HUNTING EXCEPTION:** Any animal engaged in the act of lawful hunting, while accompanied by an owner or other person with custody and control of the animal, shall be exempt from the provisions of this article.

Section 2.31 – Abandonment and Maltreatment.

(a) It shall be unlawful for the owner/custodian of any pet in the Town to abandon it.

(b) It shall be unlawful for anyone in the Town to treat any animal in a cruel and/or inhumane manner.

(c) The provisions of this section do not apply to fowl, accepted animal husbandry practices of farm operations, the training of animals, or the practice of veterinary medicine.

(d) Any person convicted in a court of law for violation of any provision of this section will immediately forfeit ownership of the violated animal and will relinquish all rights to said animal to the Town for determination of disposition in accordance with Town policy.

Section 2.41 – Impoundment.

(a) Immediately after impounding any pet, the Animal Services Officer shall make a reasonable effort to notify the owner/custodian of its impoundment and to inform the owner/custodian of the conditions whereby he can regain custody of the pet.

(b) Any pet impounded under the provisions of this article and not claimed by its owner within five (5) business days becomes the property of the Town of Swansea, by and through Lexington County Animal Services, and may be disposed of by an animal control facility's personnel in a humane way or such animals may be turned over to any organization established for the purpose of caring for animals.

(c) If an animal has been positively identified and its owner/custodian notified, the owner/custodian must notify the Animal Services Officer within fourteen (14) days of the date of notification that he or she will pick up his or her animal. If the owner/custodian does not pick up his or her animal within this time period, the animal may be disposed of in accordance with the provisions of this chapter.

(d) It shall be the duty of the police chief or its designated Animal Services Officer to keep accurate and detailed records of seizures and dispositions of all animals coming into its custody.

Section 2.51 – Dangerous Animals.

(a) The Animal Services Director in conjunction with the Animal Services Coordinator shall have the authority to determine if an animal is a dangerous animal. Animal Services must notify the owner/custodian of the animal in writing that the animal must be registered with Animal Services as dangerous.

(b) The owner shall notify Animal Services if any changes occur with the following:

- (1) Ownership of the animal.
- (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 animal is housed.
- (4) Any change in the health status of the animal.
- (5) Death of the animal.

(c) If the animal is outdoors and attended, the animal shall be muzzled, on a leash and under the control of the owner/custodian.

(d) If the animal is outdoors and unattended, the animal must be locked in an escape-proof kennel. Minimum standards shall include the following:

- (1) Fencing materials shall not have openings with a diameter of more than 2 inches; in the case of a wooden fence, the gaps shall not be more than 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 animal.
- (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 the ground or concrete.
- (4) The pen or structure shall protect the animal from the elements.
- (5) A universal sign of denoting a dangerous animal shall be displayed on all four sides of the pen or structure.

(e) Any animal which bites a person shall be quarantined for ten (10) days. During quarantine, the animal shall be securely confined and kept from contact with any other animal. At the discretion of the Town Council, the quarantine may be on the premises of the owner. If the Council requires other confinement, the owner shall surrender the animal for the quarantine period to an animal shelter or shall, at the owner's expense, place it in a veterinary hospital.

Section 2.61 – 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 valid rabies inoculation for the year in which the pet is being held and proper identification requirements and the payment of redemption fees set forth in this section.

(b) In the case of a dangerous animal that the owner has failed to control properly and which has been impounded, redemption may be made only with the consent of the Animal Services Director.

(c) 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 Services Officer with assurance from the owner that proper care and custody will be maintained.

(d) The fees in this subsection shall be collected from the owner by Animal Services and turned over to the town treasurer, who shall make a monthly accounting of such funds. Such fees, when collected, shall go toward defraying the expense of operating the animal shelter. An initial fee of \$15.00 will be charged for impoundment for a period of one to five days. The additional sum of \$5.00 will be charged for each day the animal is kept beyond five days. Upon a second offense, a fee of \$30.00 will be charged. Upon a third offense, if the Animal Services Director allows the pet to be reclaimed, a fee of \$50.00 will be charged.

(e) If an owner redeeming a pet cannot show proof of inoculation against rabies for the year in which the pet is being held, the owner shall be required to pay \$10.00 for the rabies inoculation.

Section 2.71 – Adoption.

(a) Any pet impounded under the provisions of this article may, at the end of the legal detention period, be adopted by a person deemed to be a responsible and suitable owner, who will agree to comply with the provisions of this article. All required fees must be paid at the time of adoption in addition to an adoption fee. Those individuals adopting puppies or kittens too young to receive rabies inoculation will pay the cost for this procedure at the time of adoption and be given an appointment for a later time to have this procedure accomplished.

(b) No unsterilized pet, which has been impounded by Animal Services, shall be allowed to be adopted unless it has been sterilized.

Section 2.81 – Injured, Diseased and Dead Animals.

(a) Anyone who strikes a pet with a motor vehicle or bicycle and injures or kills the pet must notify Animal Services or Law Enforcement immediately. The Animal Services Officer or Law Enforcement will then take the necessary steps to provide for the proper treatment or disposal of the pet.

(b) Any pet received by Animal Services in critical condition from wounds, injuries or disease may be destroyed at the discretion of the Animal Services Director 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.

(c) 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. If he fails to do so within three (3) hours, the Animal Services Officer shall arrange for the disposal and the owner/custodian shall be required to pay the cost thereof, not to exceed \$50.00.

(d) The Animal Services Officer shall cause to be collected all dead domestic animals found on public grounds or roadways of the Town. If the animal is identifiable, the Animal Services Officer will notify the owner/custodian of the animal as soon as practical. Citizens may call (803) 785-8201 if the animal is on a Lexington County Road or (803) 359-4103 if the animal is on a state road, and (803) 568-2835 to contact the Town of Swansea police department.

Section 2.91 – Regulations Governing Issuance of Permits and Humane Care and Number of Dogs Kept in Town.

(a) No person shall, without first obtaining a permit therefore in writing from the animal control officer, own, keep, harbored or have custody of any animal over three months of age within the Town limits. The sections of this article requiring a permit shall not apply to nonresidents of the Town who are keeping only domestic pets, provided that animals of such owners shall not be kept in the Town longer than thirty (30) days and that the animals are kept confined or on a leash.

(b) It shall be unlawful for any premises to contain or harbor at any one time more than six (6) pets, of which no more than three (3) may be dogs; provided, however, that residential premises exceeding this limitation on the effective date of this section shall be permitted to keep all existing pets until the pet dies or leaves the premises for a period in excess of 15 days. Further, it shall be unlawful for any person to keep in his/her private premises more than two (2) animals of weaning size.

(c) This section shall not apply to public law enforcement agencies or to properly zoned and licensed commercial kennels, pet shops, and veterinaries, or to pets less than four months old.

(d) This section shall not apply to legally maintained domestic chickens (excluding roosters).

(e) The Town Council shall promulgate regulations governing the issuance of permits, and such regulations shall include requirements for humane care of the owner's animals and for compliance with the all provisions of this article and any other applicable state and local laws. The council may amend such regulations from time to time as it deems desirable for the public health and welfare and to protect animals from cruelty.

(f) A permit under this article, if not revoked, shall be valid for one year from each January 1 to the following December 31. A new permit shall be obtained each year by every owner and a new fee paid during the month of January each year. A late fee will be charged in addition to the fee required in section 2.91(e) to all persons who obtain a permit after January 31 of each year, except in the case of animals which on January 31 had not yet reached three months of age, or the animal being brought within the Town limits, after January 31, in which case a permit shall be required within thirty (30) days from the date the same was brought within the Town limits or a late fee will be charged in addition to the fees required by this section. Any person known who fails to obtain a permit within the time required shall be notified of the requirements of this article in writing and advised that a permit must be obtained and a late fee paid within five (5) days after a date specified in the written notice, and that failure to do so is a criminal offense that on conviction may result in punishment. The Animal Services Director may revoke any permit under this article if the person holding the permit refuses or fails to comply with this article, the regulations promulgated by the Town Council, or any state or local law governing cruelty to animals or the keeping of animals.

Section 2.02 LIVESTOCK

(a) Definitions.

(1) Livestock means all animals of the equine, bovine, fowl, or swine class, including, but not limited to, goats, sheep, horses, mules, hogs, cattle, chickens, ducks, poultry, guineas, or other grazing animals.

(2) Neglect means failure to provide an appropriate level of sustenance or medical care to any livestock.

(b) It shall be unlawful for any owner or other person with custody and control of livestock to allow them, willfully or negligently, to run at large off the property owned, rented, or controlled by such person. This includes, but is not limited to, other private properties, public properties, streets, roads, rights-of-way, and highways of the county.

(c) It shall be unlawful for any owner or other person with custody and control of livestock to neglect any livestock.

(d) Whenever any livestock shall be found upon the lands of any other person than the owner or other person with custody and control of such livestock, that owner or other person with custody and control of such trespassing livestock shall be liable for all damages sustained and for the expenses, in preference to all other liens, maintenance, claims, or encumbrances upon

it. Such damages and expenses shall be recovered, when necessary, by action in any court of competent jurisdiction.

(e) If an Animal Services Officer observes any livestock at large, they may pursue the livestock onto the private property.

(f) Any person violating the terms of this section is guilty of a misdemeanor and upon conviction must be fined not more than \$250.00 for a first offense and for all subsequent offenses within one year a fine of \$500.00; or imprisonment for not more than 30 days for any offense.

Section 2.03 BIRDS

2.13. – Establishment of Bird Sanctuary within the Town.

The entire area embraced within the corporate limits of the Town of Swansea is hereby designated as a bird sanctuary.

2.23. – Unlawful Interference with Birds.

Subject to section 2.33 herein, it shall be unlawful to trap, hunt, shoot or attempt to shoot, or molest in any way any bird or wild fowl or to rob bird nests or wild fowl nests.

2.33. – Birds as a Nuisance.

If starlings or similar birds are found to be congregating in such numbers in a particular locality that they constitute a menace to health or property in the opinion of the Town Council, then the town Council through its representative shall meet with representatives of the Audubon Society, bird club, garden club or humane society, or as many of said clubs as are found to exist in the Town after at least three (3) days actual notice of the time and place of said meeting has been given to the said representatives. If no satisfactory course of action is found to abate said nuisance at such meeting, said birds may be destroyed in such numbers and in such a manner as is deemed advisable by the Council under the supervision of Law Enforcement.

Section 2.04 EXOTIC ANIMALS

Section 2.14 – Prohibition

(a) It shall be unlawful for any person to keep, maintain, or have in his or her possession or control within the Town any poisonous reptile or any other dangerous or carnivorous wild animal or reptile, any vicious or domesticated animal or any other animal or reptile of wild, vicious or dangerous propensities.

Section 2.24 – Classification

(a) It shall be unlawful for any person to keep, maintain, or have in his or her possession or control within the Town any of the following animals:

- (1) Apes (chimpanzees, gibbons, gorillas, orangutans, and siamangs)
- (2) Baboons
- (3) Bears

- (4) Cheetahs
- (5) Constrictor snakes, six feet in length or more
- (6) Coyotes
- (7) Elephants
- (8) Hippopotami
- (9) Hyenas
- (10) Jaguars
- (11) Leopards
- (12) Lions
- (13) Lynxes
- (14) Monkeys
- (15) Rhinoceroses
- (16) Snow leopards
- (17) Tigers
- (18) Wolves

Section 2.34 – Exceptions

The provisions of this article shall not apply to menageries, zoological gardens, circuses, and recognized, accredited and permitted public organizations or private nonprofit organizations established for educational purposes, if (1) they meet all requirements of the United States Department of Agriculture; (2) all wild animals are to be humanely kept in a clean, sanitary and safe enclosure; (3) their location conforms to the provisions of the zoning codes of the town and county; (4) all animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors; (5) animals are maintained in quarters so constructed as to prevent their escape; and (6) no person lives or resides within 200 feet of the quarters in which animals are kept. Animal Audubon Society Services shall have the right to enter onto the property to inspect the enclosure to determine that all requirements set out in this section are in effect.

Section 2.44 – Penalties

(a) Any person, corporation, or other legal entity who violates the terms of this article shall be subject to the following penalties:

- (1) First offense: fine not to exceed \$250.00.
- (2) Second offense: 30 days incarceration and a fine not to exceed \$500.00.

Section 2.05 WILD ANIMALS

(a) No person shall keep or permit to be kept on their premises any animal that is not defined herein as a domestic animal.

(b) No person shall keep or permit to be kept any wild animal as a pet unless authorized to maintain wild animals by the state department of natural resources and Town Council.

(c) The Town and its designated Animal Services Department may issue a temporary permit for the keeping, care and protection of an infant animal native to this area which has been deemed to be abandoned by its parent(s).

(d) The Town and its designated Animal Services Department shall have the power to release or order the release of any infant wild animal kept under temporary permit which is deemed capable of survival.

(e) It shall be unlawful for any person to buy, sell, trade, capture, feed or transport any wild animal for purposes of domestication.

(f) This section does not apply to a person licensed to possess and breed an animal under the classifications specified and regulated by the United States Department of Agriculture as codified in Title 7 of the United States Code.

Section 2.06 NUISANCE

(a) The actions of an animal constitute a nuisance when an animal disturbs or materially interferes with or affects the health, comfort, peace, safety or quiet of the general public or interferes with the ordinary use and enjoyment of their property.

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

(1) Failure to exercise sufficient restraint necessary to control an animal as required by this chapter;

(2) Allowing or 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 or other personal property;

(3) Maintaining a dangerous animal as defined herein;

(4) Maintaining animals in an environment of unsanitary conditions which result in offensive odors or are dangerous to the animal or to the public health, welfare or safety;

(5) Maintaining his or her property in a manner that is offensive, annoying or dangerous to public health, safety or welfare of the community because of the number, type, variety, density or location of animals on the property;

(6) Allowing or permitting an animal to bark, whine, howl, crow or cackle in an excessive, continuous or untimely fashion, or make other noise in such a manner so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring properties;

(7) Maintaining an animal that is diseased and dangerous to the public health.

(c) It shall be unlawful for any animal owner or other person with custody and control of an animal to allow such animal to run at large off of property owned, rented or controlled by him or her so as to constitute a nuisance to the person or property of another. Use of an invisible fence or similar passive restraint system shall not constitute the restraint required by this section and shall not be deemed sufficient fencing to keep animals from running at large.

(d) No owner shall keep upon such owner's premises any animal that is deemed a nuisance. No owner shall keep or maintain a dangerous animal in the town limits. Any animal found in continued violation of the provisions of this section or identified as a public nuisance may be impounded and not released except under provisions as permitted under this chapter.

Section 2.07 COMMERCIAL BREEDING KENNELS/CATTERIES

(a) No person shall own or operate a Commercial Breeding Kennel/Cattery within the Town without first obtaining a certificate of inspection from the Animal Services Department, issued pursuant to this section for which a fee of \$200.00 shall be paid for a two-year period. The fees shall be collected by Animal Services and turned over to the Town Treasurer. Such fees shall go toward the cost of defraying the expense of operating the animal shelter.

Section 2.08 PERMIT TO DESTROY SQUIRRELS REQUIRED

(a) The Town may grant a permit to destroy squirrels inside the town limits under the following conditions:

- (1) Squirrels must not be shot on any man-made objects such as, but not limited to, power poles, power lines, cable lines, other aerial lines, fences, etc.
- (2) Squirrels must be shot at an angle of not less than 75 degrees.
- (3) Only shotguns may be used, not to exceed 20 ga., 2.5 drams eq. (1163 fps) powder equivalences, and shot not to exceed #6 in size.
- (4) Permittee must wear an orange vest provided by the Town.
- (5) A copy of the permit issued by the Town must be carried at all times while destroying squirrels.
- (6) Discharging weapon without carrying a permit issued by the Town will revoke the permit and the person will be charged under applicable ordinances.
- (7) The permittee will assume all responsibility and liability for any and all damage or harm created by his/her action.
- (8) The permit issued by the Town expires thirty (30) days after issuance.
- (9) Permittee must dispose of dead squirrels properly. Dead squirrels will not be placed in household garbage.
- (10) The permittee must place a five dollar (\$5.00) deposit for vest to be refunded when returned after the permit expires. Deposit is forfeited if the vest is not returned within fifteen (15) days after the applicable permit expires.
- (11) The permit does not waive any state or county laws or requirements.
- (12) The permittee must sign and date the permit on the date of issuance.

Section 2.09 REGISTRATION OF CERTAIN ANIMALS REQUIRED

Any animal kept on any premises within the Town and (a) identified as a public nuisance, or (b) identified as a dangerous animal, or (c) impounded as a dangerous animal, shall be required to be registered with the police. Such registration shall require the owner or the person in possession of the animal to provide the breed and description of the animal, the name and address of the owner or the person in possession, and the address at which the animal will at all times be located. This section shall not apply to any animal that is (1) owned by a licensed security service and is in use by the licensed security service for the purpose of protecting property, or (2) is owned or used by a public Law Enforcement agency. This section is not intended to, and does not operate to create, provide or enhance any duty of care of the Town with regard to any particular person or persons concerning any animal or animals so identified, impounded, registered, or required to be registered. Any owner or person in possession of the animal in violation of this section is subject to the general penalties as set forth in this Code.

Section 2.10 RABIES CONTROL

(a) Any person with personal knowledge that an animal is affected by rabies, is suspected of being affected by rabies, or has come into contact with a creature known or suspected of being affected by rabies, shall have a duty to immediately report that information to Animal Services, the Department of Health and Environmental Control ("DHEC") and the Town. Animal Services shall have a duty to notify the appropriate state authorities of the report and, if the authority so requests, cooperate with the authority in locating the animal and investigating the report; however, the Town shall not have the duty to take the animal into custody.

(b) In the event of an animal bite, DHEC will be notified immediately. The victim should receive immediate medical attention to determine the severity of the bite. The animal will be placed into a quarantine hold, whether current on Rabies inoculation or not, for a period of not less than ten (10) days, depending on vaccine history, for observation. DHEC, Animal Services and the Town will determine the location of the quarantine, whether on the premises of the owner, at a veterinarian's office, or at the animal shelter. The owner of the animal will pay a boarding fee of \$50 for the first ten (10) days and \$5 for each additional day if the animal is housed at the animal shelter. If the animal is reasonably suspected of possibly being rabid, it may be euthanized immediately so that it can be tested for rabies, per DHEC.

Section 2.11 CERTAIN ANIMALS AND DOMESTIC FOWL PROHIBITED EXCEPT IN DESIGNATED AREAS

Horses, asses/donkeys, cattle, sheep, goats, llamas, alpacas, emus, ostriches, rheas, swine and domestic fowl of all descriptions (except domestic chickens other than roosters) are hereby prohibited in any area of the Town other than an area that is zoned for its use by the zoning ordinance of the Town.

Section 2.12 KEEPING OF DOMESTIC CHICKENS

Notwithstanding any other provision of the Town Code, and as provided in this section, the keeping of domestic chickens (excluding roosters) within the Town is permitted under the following conditions and with the following limitations:

- (1) The keeping of domestic chickens (excluding roosters) is permitted only as an accessory use for a single family detached house in a residential zoning district. No roosters (mature male domestic chickens) shall be permitted within the Town limits.
- (2) No more than a total of four (4) domestic chickens may be kept or maintained on a single premises.
- (3) No person shall allow any chickens to roam free for any reason. Chickens found at large shall be impounded.
- (4) A coop will be considered as an accessory structure. Coops must be located in the rear yard and at least 7.5 feet from all property lines. A coop must be screened from side or rear lot lines with shrubbery or a privacy fence, if any portion of the coop is located within 25 feet of a neighbor's dwelling.
- (5) Coops must be fully enclosed, constructed of sturdy materials, contain runs, and be well maintained to prevent odor and to discourage fly accumulation. Coops must have fencing to prevent chickens from leaving the coop area and be constructed in a manner to deter predators. Coops shall be six sided (four sides, a bottom and a top). Coops shall contain at least two square feet in bottom surface area per chicken.
- (6) Slaughter is not allowed on the premises.
- (7) Chickens shall not be kept or used for commercial purposes.
- (8) Inspection of the property and coop by an animal control officer is required prior to a permit being issued.
- (9) A permit to keep chickens on designated property is required on a yearly basis. Permits shall be issued by the animal control division. The permit cost is \$20.00. A permit may be revoked by the police chief or the police chief's designee upon the second conviction in municipal court in a permit year for a violation of this section on the permitted property. A permit may be denied on the ground that a previous permit for the applicant or for a related or affiliated person residing on the property has been revoked. A person whose permit is revoked or denied may appeal to the Town Council whose decision, after notice and hearing, shall constitute the final administrative action of the Town.
- (10) Animal Services Officers may conduct inspection of all permitted properties at any time.

Article III

ENFORCEMENT AND PENALTY

Section 3.01 ENFORCEMENT OF ARTICLE

- (a) The provisions of this chapter shall be enforced by Lexington County Animal Services under the supervision of the Director.
- (b) The Animal Services' staff shall be appointed as Town Code enforcement officers.
- (c) If the Animal Services Officers are unable to respond to complaints due to other commitments, an authorized Law Enforcement agency may respond to the complaints.
- (d) Persons empowered to enforce this chapter shall have the authority to destroy any pet, which appears to be dangerous, and may endanger their safety or the safety of other persons or animals.
- (e) The Animal Services Officers will, if necessary, obtain a search warrant to enter any premises upon which it is suspected a violation of this chapter exists. The Officer may demand to examine such animal and take possession of the animal when, in the Officer's opinion, it requires removal from the premises.
- (f) No person shall interfere with, hinder or molest the Animal Service's staff in the execution of their duties, or seek to release any animal in the custody of Animal Services.
- (g) When an animal is found in violation of any provision of this chapter, Animal Services Officers, at their discretion, may:
 - a. Impound the animal.
 - b. Issue notice of violation.
 - c. Issue court summons.

Section 3.02 PENALTY

The violation of any section of this chapter shall constitute a misdemeanor and shall be punishable under Magistrate's Court jurisdiction by:

- (1) A fine of \$200.00 or less for any first violation, and \$500.00 for any second or subsequent violation; or
- (2) Imprisonment for thirty (30) days or less.

Section 3.03 ANIMAL CONTROL FEES

All Animal Control or Animal Services fees shall be deposited into the general fund of the Town.

Section 3.04 ACCOUNTING

The Town Council administrator shall account for all Animal Control or Animal Services fees collected and deposited to the Town Council through its normal accounting process.

[END OF ORDINANCE]