

CLARENDON COUNTY ORDINANCE NO. 2010-07

AN ORDINANCE TO PROVIDE FOR THE CONTROL AND REGULATION OF ANIMALS IN CLARENDON COUNTY AND OTHER RELATED MATTERS.

WHEREAS, Clarendon County finds there is a growing problem concerning animal control which is negatively affecting the citizens and animals in the County; and,

WHEREAS, Clarendon County Council desires to protect the health, safety, peace and welfare of its citizens; and,

WHEREAS, Clarendon County Council desires to protect the health, safety, order, security and welfare of the animals in the County; and,

WHEREAS, Clarendon County Council is authorized to enact this Ordinance pursuant to S.C. Code Ann. §§ 4-9-25, 4-9-30(5), 47-1-10 *et. seq.*, 47-3-10 *et. seq.*, 47-5-10 *et. seq.*, 47-7-10 *et. seq.*, and 50-11-780.

NOW THEREFORE, BE IT ORDAINED THAT the County Council of Clarendon County, South Carolina, does hereby approve and authorize the following regulations to be placed in effect for the control of Animals in Clarendon County:

I. General Provisions

The short title of this Ordinance is the **“Clarendon County Animal Control Ordinance.”**

II. Definitions.

(A) “Animal” means a carnivorous domestic mammal, excluding livestock and cats.

(B) “Animal Control Facility” means premises that Clarendon County Council designates to impound, care for, board, adopt, sterilize, or euthanize Animals.

(C) “Animal Control Officer” means a County employee responsible for enforcing this Ordinance.

(D) “Hunting” means the act of searching, running for sport or finding to kill or catch game for food or sport.

(E) “Physical Control” means control by voice command, leash or physical contact by the owner or keeper of an Animal.

(F) **“Public Nuisance”** means a detriment to the public health, safety, or welfare, as determined by an Animal Control Officer.

(G) **“Running at Large”** means an Animal that is off the premises of the owner or keeper and not under the physical control of the owner or keeper.

(H) **“Under Restraint”** means an Animal that is on the premises of its owner or keeper or accompanied by its owner or keeper and under the physical control of the owner or keeper.

(I) **“Vicious Animal”** means a carnivorous domestic mammal, excluding livestock and cats with an abnormal inclination to attack a person or other Animal without provocation.

III. Animal Control Department

(A) The Clarendon County Administrator is empowered and authorized to establish an Animal Control Department within Clarendon County. Said Department will consist of Animal Control Officers, Staff and facilities which shall be equipped as needed to perform the duties to which they have been assigned. All Animal Control staff and facilities shall be under the control of the County Administrator. All Animal Control Officers employed shall be under the control of the Clarendon County Sheriff and serve at his pleasure.

(B) All employees of Clarendon County, who are assigned within the Animal Control Department including, but not limited to, Animal Control Officers and Staff, shall be bestowed the powers given to them by this Ordinance, any other Ordinance enacted by Clarendon County, past or future, and any South Carolina or Federal Law.

IV. Running at Large

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.

V. Impoundment of Animals found Running at Large

(A) All Animal Control Officers shall pick up and impound any Animal running at large. The Animal Control Officer shall notify the owner of any impounded Animal, when such owner can be determined, by standard U.S. Mail at the owner’s last known address as provided for in the tax records of the Clarendon County or in the records of the South Carolina Department of Motor Vehicles.

(B) After any Animal, which cannot be positively identified, has been impounded for at least five (5) days and is unclaimed by its owner, may be disposed of by the 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 notified by standard U.S. Mail, the owner must notify the Animal Control Officer(s) within fourteen (14) days of the date of mailing of the notification that he or she will pick up his or her Animal. If the owner does not pick up his or her Animal within this time period, the Animal may be disposed of.

(D) Before any Animal is released from the Animal Control Facility, the Facility's personnel must be satisfied that the Animal is currently inoculated against rabies or will be inoculated against rabies within seven (7) days from the date of release and the owner or keeper must pay a quarantine fee of \$ 50.00, an additional fee of \$ 5.00 per day for every day the pet has been quarantined and an administrative fee of \$ 10.00. To satisfy the Animal Control Facility's personnel, the Animal's owner must provide a current certificate of inoculation within the time period prescribed herein.

VI. Vicious Animal Restraint.

It shall be unlawful for any owner of a vicious animal or other person with custody and control of any vicious animal to not keep his or her vicious pet under restraint by a fence, chain or other means so that the vicious pet cannot reach persons not on land owned, leased or controlled by him or her.

VII. Hunting Exception

Any Animal engaged in the act of hunting, while accompanied by an owner or other person with custody and control of the Animal, shall be exempt from the provisions of this ordinance.

VIII. Enforcement

(A) An Animal Control Officer shall enforce this Ordinance in the County's:

(1) Unincorporated areas; and

(2) Municipalities to which Clarendon County has contracted to provide animal control services.

- (B) A person, who has reason to believe that another person violated this Ordinance, is entitled to apply to a Magistrate with jurisdiction for the issuance of a warrant, courtesy summons or ordinance summons.
- (C) An Animal Control Officer may obtain a search warrant if a Magistrate finds probable cause.
- (D) A person entitled or obligated to enforce this Ordinance is entitled to euthanize an Animal that places the safety of a person or other Animal in imminent danger.
- (E) A person shall not interfere with an Animal Control Officer who is enforcing this Ordinance.

IX. Penalty

A person who violates this Ordinance is guilty of a misdemeanor punishable by:

- (1) a fine of \$200 or less; or
- (2) imprisonment for thirty (30) days or less.

X. Animal Control Fees

All Animal Control Fees shall be deposited into the General Fund of Clarendon County.

XI. Accounting

The Clarendon County Administrator shall account for all Animal Control Fees collected and deposited to Clarendon County Council through its normal accounting process.

XII. Savings Clause.

Rights and duties that matured before the effective date of this Ordinance are preserved.

XIII. Severability Clause.

If any part of this Ordinance is unenforceable, then the remainder of this Ordinance remains enforceable.

XIV. Conflicts

Should conflicts arise between this and any preceding Ordinances, Resolutions, Orders or parts of the same, this Ordinance prevails, to the extent of the conflict.

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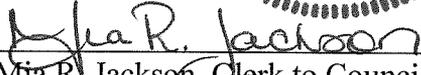
XV. Effective Date

All provisions of this Ordinance shall become effective on January 1, 2011, upon County Council's approval following three readings and a public hearing.

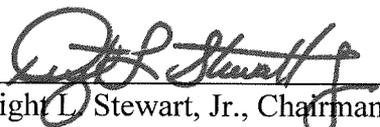
ADOPTED this 14 day of June, 2010.

(SEAL)
ATTEST




Mia R. Jackson, Clerk to Council
Clarendon County Council

CLARENDON COUNTY COUNCIL


Dwight L. Stewart, Jr., Chairman
Clarendon County Council

READINGS:

First reading: April 12, 2010
Second reading: May 10, 2010
Public Hearing: May 10, 2010
Third reading: June 14, 2010