

ORDINANCE NO. 2019-21

**TO AMEND CHAPTER 4 - ANIMALS AND FOWL - OF THE CHEROKEE COUNTY
CODE OF ORDINANCES**

WHEREAS, pursuant to § 4-9-25, *et. seq.*, of the South Carolina Code of Laws, all counties of the State, in addition to the powers conferred to their specific form of government, have authority to enact regulations, resolutions, and ordinances, not inconsistent with the Constitution and general law of this State.

WHEREAS, Cherokee County Council desires to adopt an ordinance to amend Chapter 4 of the Cherokee County Code of Ordinances, entitled Animals and Fowl, pursuant § 4-9-30(14) of the South Carolina Code of Laws, 1976 as amended, which provides for the enactment of ordinances for the implementation and enforcement of the powers of the County Council in reference to public health, public safety, police protection and sanitation as referenced in § 4-9-30(5) of the South Carolina Code of Laws, 1976 as amended. This ordinance is enacted to promote the general health, safety and welfare of the citizens of the County and to protect their property rights. This ordinance is further enacted pursuant to § 47-3-20 of the South Carolina Code of Laws, 1976 as amended, 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.

NOW, THEREFORE,

BE IT ORDAINED AND ADOPTED BY THE CHEROKEE COUNTY COUNCIL AT
GAFFNEY, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED:

CHAPTER 4

ANIMALS AND FOWL

Sec. 4-0. Authority for and enactment of chapter.

This chapter is enacted pursuant to S.C. Code 1976, 4-9-30(14), which provides for the enactment of ordinances for the implementation and enforcement of the powers of the county council in reference to public health, public safety, police protection and sanitation as referred to in S.C. Code 1976, 4-9-30(5). This chapter is enacted to promote the general health, safety and welfare of the citizens of the county and to protect their property rights. This chapter is further enacted pursuant to S.C. Code 1976, 47-3-20, 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.

Sec. 4-1. Definitions.

For purposes of this chapter, the following terms shall have the respective meanings ascribed to them:

Animal: Any non-human living vertebrate, whether wild or domesticated.

Animal control officer: Any person employed by the county as the enforcement officer of the provisions of this chapter.

Animal shelter or pound: Any premises so designated by the county council for the purpose of impounding and caring for animals found in violation of this chapter.

County: The unincorporated areas of the county and any municipality which has contracted with the county council for dog or other animal control services and which has adopted appropriate legislation.

Dog: Includes any member of the canine family.

Running at large: Any dog or other domesticated animal not under restraint as herein defined.

Stray dog: Any dog found wandering at large or abandoned in the public ways or on the lands of any person other than that of its owner or keeper.

Under restraint: An animal controlled by means of a leash, fence or other compliant tethering system, or which is sufficiently near the owner or keeper to be directly under such person's control and which is obedient to that person's commands, or which is on the property of the owner, or is on property by that owner's permission, or is within a vehicle being driven or parked.

Vicious dog or other animal: Any dog or domesticated animal constituting a physical threat to human beings or other animals, or evidencing abnormal behavior or inclination to attack persons or animals without provocation, or having a tendency to do any act repeatedly which might endanger the safety of persons or property.

Sec. 4-2. Animal control officer - Duties; assistance by other officers.

(a) It shall be the duty of the animal control officer or any person appointed for such purpose by the county to apprehend and seize all stray dogs, vicious dogs and dogs running at large and to impound them in an enclosure provided for that purpose. For purposes of enforcing this chapter, the sheriff, deputy sheriffs, county police officers, magistrates, constables, and the police officers of any municipality which contracts with the county council, are authorized and instructed to assist the animal control officers.

(b) The animal control officers shall have the power to enforce this chapter, to cooperate with the health department in quarantining animals, and to carry out the duties and assume the responsibilities set out in this chapter.

(c) The animal control officers shall maintain such records as may be prescribed by the

county administrator and which are necessary to account for the activities of such office.

(d) The animal control officers shall patrol areas of the county for purposes of enforcing this chapter. The animal control officers may require a complaining or aggrieved party to sign a complaint, and/or warrant whenever such officer deems it advisable.

Sec. 4-3. Same - Interference therewith by others.

It shall be unlawful for any person to interfere with, hinder or molest the animal control officer in the execution of such officer's duty.

Sec. 4-4. Seizure of dog by property owner.

Any person may seize any dog found on that person's premises and deliver it to the animal control officers or other person appointed for such purposes, to be impounded as set forth above.

Sec. 4-5. Disposition of impounded dog - Generally.

If the ownership of an impounded dog is evidenced by an identification tag, the animal control officers shall make a reasonable effort to notify the owner of the dog's impoundment. When the owner of the dog is unidentified, the animal control officers shall post a copy of the dog's description and time of impounding on the first floor bulletin board located in the county courthouse. If the dog impounded is not redeemed by its owner within five (5) days after the date of its impoundment, it may be offered for sale or for adoption to any member of the general public, or it may be destroyed in accordance with the laws of the state.

Sec. 4-6. Same - Redemption by owner.

The owner or keeper of an impounded dog may claim and resume possession of such dog, except as herein or otherwise provided, upon the payment to the county of redemption fees and expenses as may

from time to time be prescribed by county council

Sec. 4-7. Keeping vicious or unruly dog.

It shall be unlawful for any person to keep a vicious or unruly dog unless under restraint or other means so that such dog cannot reach persons not on land owned, leased or controlled by such keeper.

Sec. 4-8. Destruction of vicious animal.

An animal that is found to be wounded, diseased or in great pain, in the judgment of the animal control officer, may be destroyed immediately. A vicious dog may be summarily destroyed by the animal control officers, or any person so designated by the county, when the safety of the officers of other persons is immediately endangered and summary destruction is necessary to prevent injury.

Sec. 4-9. Abandoning dog.

It shall be unlawful for any person to release, forsake or abandon any dog within the county except upon lands belonging to the owner or keeper of the dog, or by permission of the property owner on whose property the dog is found.

Sec. 4-10. Keeping of dog which creates nuisance.

It shall be unlawful for any person to maintain a dog which habitually barks, whines or howls, or which habitually chases or runs after persons or vehicles, or which destroys or damages property belonging to any person or legal entity, or which habitually causes serious annoyances to a neighboring residence and interferes with the reasonable use and enjoyment of that neighbor's property, or creates a habitual disturbance or nuisance of any kind.

Sec. 4-11. Tethering of dogs.

It shall be unlawful for an animal owner to tether a dog except when:

- (a) tethered pursuant to requirements of park, camping, or recreational areas; or
- (b) tethered while engaged in lawful hunting activities; or
- (c) tethered to a running line elevated no higher than seven feet off the ground, in a manner that allows the tether to move freely along the length of the running line which must be at least twenty feet in length between the two stop points. The tether must be connected to the dog by a buckle type collar or body harness made of nylon, leather or other durable and non-metallic material and must be properly fitted so as to not cause injury to the dog or embed in the dog's neck. Only one dog may be attached to each running line, pulley, or trolley system so as to prevent injury, strangulation, or entanglement. Furthermore, the tethering system must allow the dog full access to food, water, and shelter at all times. Dogs under six months of age shall not be connected to a tether or trolley system.

Sec. 4-12. Punishment for violations; summary disposition out of court.

In addition to or in lieu of impounding an animal found in violation of this chapter, the animal control officer may issue to the owner a notice of violation. Such notice shall impose upon the owner of such animal a penalty of One Hundred (\$100.00) Dollars for the initial offense and Two Hundred (\$200.00) Dollars for each subsequent offense which may, in the discretion of the owner, be paid to the county within forty-eight (48) hours thereafter, not including Saturdays, Sundays or legal holidays. In the event that such penalty is not paid to the county within the time prescribed, a criminal warrant may be initiated before the proper magistrate, and upon conviction of the violation, the owner shall be punished as set forth in Section 1-8. In the event the owner elects to pay the penalty within the

prescribed period of time, such payment shall be a bar to prosecution.

Sec. 4-13. Incorporation of state law on dogs and animals.

Notwithstanding any provision of this chapter to the contrary, the animal control officers shall be empowered to enforce the provisions of state law set forth under Title 47, Chapters 1, 3,5 and 7 of the South Carolina Code Annotated (1976). The animal control officers shall also be empowered to enforce the provision of state law set forth under Title 51, Chapter 3, Section 145 Paragraph P [S.C. Code Ann. § 51-3-145(P)] regarding bringing dogs and other animals into county parks and facilities. The above code sections of South Carolina Law are incorporated by reference as if fully stated herein. By virtue of the incorporation of state law into this chapter, the animal control officers shall be empowered to issue a uniform summons to the owner or keeper of an animal or to any person violating any provision of state law incorporated into this chapter.

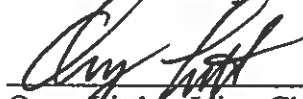
THIS ORDINANCE SHALL BE EFFECTIVE OCTOBER 1, 2019.

ADOPTED AND SO ORDAINED this 19th day of August, 2019.

CHEROKEE COUNTY COUNCIL



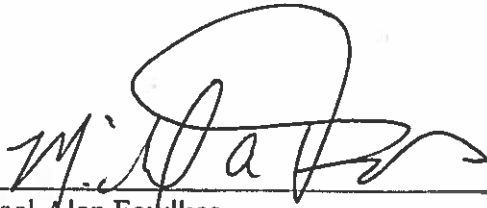
Timothy F. Spencer - Chairman
Cherokee County Council District 4



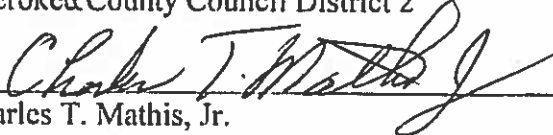
Quay Little - Vice-Chairman
Cherokee County Council District 3



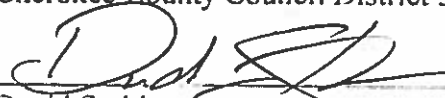
Lyman Dawkins, III
Cherokee County Council District 1



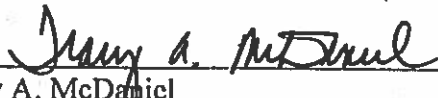
Michael Alan Fowlkes
Cherokee County Council District 2



Charles T. Mathis, Jr.
Cherokee County Council District 5

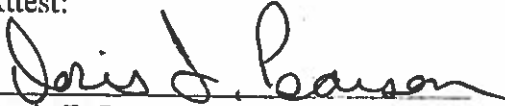


David Smith
Cherokee County Council District 6



Tracy A. McDaniel
Cherokee County Council District 7

Attest:



Doris F. Pearson
Clerk to Council

1 st Reading:	<u>7/15/19</u>
2 nd Reading:	<u>8/12/19</u>
Public Hearing:	<u>8/19/19</u>
3 rd Reading:	<u>8/19/19</u>