

STATE OF SOUTH CAROLINA)
)
COUNTY OF DARLINGTON)

ORDINANCE NO. 23-12

AN ORDINANCE TO AMEND DARLINGTON COUNTY CODE OF ORDINANCES, CHAPTER 6 (ANIMALS), TO AMEND/UPDATE VARIOUS SECTIONS AND TO ESTABLISH THE EFFECTIVE DATE OF THIS ORDINANCE

PURPOSE

The purpose of this ordinance is to update various sections of Chapter 6 (Animals) regarding animals.

NOW, THEREFORE, BE IT ORDAINED, by the governing body of Darlington County, South Carolina, the Darlington County Council that:

SECTION 1

Darlington County Code of Ordinances, Chapter 6 (Animals), Article I (In General), Section 6-1 (Roaming dogs; trespass complaints), **which currently reads:**

Sec. 6-1. Roaming dogs; trespass complaints.

It shall be unlawful for any owner or owners of dogs or parents or guardians of owners of dogs to let dogs roam at will on the property of others after being warned that such dog or dogs have roamed on the property of the complainant. Any such trespass of the dog following this warning shall constitute the owner or owners being in violation of this section and the complainant, by showing probable cause to a magistrate of the county, may obtain an arrest warrant against the owner or owners. Upon conviction the offender may be punished in accordance with section 1-8.

Be amended to read as follows:

Sec. 6-1. - Roaming dogs; trespass complaints.

It shall be unlawful for any owner or owners of dogs or parents or guardians of owners of dogs to let dogs roam at will on the property of others after **receiving written notice** ~~being warned~~ that such dog or dogs have roamed on the property of the complainant. Any such trespass of the dog following ~~this~~ **written warning notice** shall constitute the owner or owners being in violation of this section and the complainant, by showing **written notice** ~~and~~ probable cause to a magistrate of the county, may obtain an arrest warrant against the owner or owners. Upon conviction the offender may be punished in accordance with section 1-8.

SECTION 2

Darlington County Code of Ordinances, Chapter 6 (Animals), Article II. (Animal Control), Section 6-12 (Definitions), *Animal cruelty investigator*, **which currently reads:**

Animal cruelty investigator means the person(s) employed or contracted by the county as the official(s) responsible for investigating and enforcing the provisions of this article and applicable state statutes related to animal abandonment and/or maltreatment.

Be deleted in its entirety.

~~*Animal cruelty investigator* means the person(s) employed or contracted by the county as the official(s) responsible for investigating and enforcing the provisions of this article and applicable state statutes related to animal abandonment and/or maltreatment~~

SECTION 3

Darlington County Code of Ordinances, Chapter 6 (Animals), Article II. (Animal Control), Section 6-12 (Definitions), *Exposure to rabies*, **which currently reads:**

Exposure to rabies means any person or animal which has been bitten by or exposed to any animal known to have been infected with rabies. or suspected of being infected with rabies. This determination shall be made by the county rabies control officer.

Be amended to read as follows:

Exposure to rabies means any person or animal which has been bitten by or exposed to any animal known to have been infected with rabies. or suspected of being infected with rabies. This determination shall be made by the ~~county rabies~~ **animal** control officer.

SECTION 4

Darlington County Code of Ordinances, Chapter 6 (Animals), Article II. (Animal Control), Section 6-12 (Definitions), *Neighborhood pet*, **which currently reads:**

Neighborhood pet means any vaccinated domesticated species of carnivores which are known to neighboring property owners and which enter onto the property of a neighboring property owner without objection by the neighboring property owner.

Be amended to read as follows:

Neighborhood pet means any vaccinated domesticated species of carnivores ~~s~~ which are known to neighboring property owners and which enter onto the property of a neighboring property owner without objection by the neighboring property owner.

SECTION 5

Darlington County Code of Ordinances, Chapter 6 (Animals), Article II (Animal Control), Section 6-12 (Definitions), *Pet* **which currently reads:**

Pet means any domesticated species of carnivores.

Be amended to read as follows:

Pet means any domesticated species of ~~carnivores~~ carnivore.

SECTION 6

Darlington County Code of Ordinances, Chapter 6 (Animals), Article II (Animal Control), Section 6-12 (Definitions), *Rabies control officer* **which currently reads:**

Rabies control officer means any person appointed for the control of rabies with the approval of the county department of health and environmental control state health officer for the enforcement of the S.C. Rabies Control Act (S.C. Code 1976, § 47-5-10 et seq.).

Be deleted in its entirety:

~~*Rabies control officer* means any person appointed for the control of rabies with the approval of the county department of health and environmental control state health officer for the enforcement of the S.C. Rabies Control Act (S.C. Code 1976, § 47-5-10 et seq.).~~

SECTION 7

Darlington County Code of Ordinances, Chapter 6 (Animals), Article II (Animal Control), Section 6-14 (Restraint, control or confinement), item (b) **which currently reads:**

- (b) When any pet or animal cared for by an owner is found unlawfully running at large or to be a public nuisance, a notice of violation or a uniform ordinance summons may be issued to the owner in accordance with section 6-20(f) or the officer may take custody of the pet or animal. The officer may, if in pursuit of the pet or animal, have the right to enter upon private property to take it into custody or to place humane animal capture cages on the property of consenting property owners.

Be amended to read as follows:

- (b) When any pet or animal cared for by an owner is found unlawfully running at large or to be a public nuisance, ~~a notice of violation or~~ a uniform ordinance summons may be issued to the owner in accordance with section 6-20(f) or the animal control officer may take custody of the pet or animal. The animal control officer may, if in pursuit of the pet or animal, have the right to enter upon private property to take it into custody or to place humane animal capture cages on the property of consenting property owners.

SECTION 8

Darlington County Code of Ordinances, Chapter 6 (Animals), Article II (Animal Control), Section 6-14 (Restraint, control or confinement), items (e) – (f) **which currently read:**

- (e) The owner shall confine a dangerous animal within a building or secure enclosure in accordance with the S.C. Code 1976, § 47-3-720 and section 6-21 of this article.
- (f) Every female dog or cat 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 not to create a nuisance.

Be amended to read as follows:

- (e) The owner shall confine a dangerous animal within a building or secure enclosure in accordance with the S.C. Code 1976, § 47-3-720 and section 6-21 of this **ordinance article**.
- (f) Every female dog or cat 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 not to create a nuisance.

SECTION 9

Darlington County Code of Ordinances, Chapter 6 (Animals), Article II (Animal Control), Section 6-15 (Abandonment and maltreatment), item (b) **which currently reads:**

- (b) It shall be unlawful for anyone to ill-treat, deprive of necessary substance or shelter, or inflict unnecessary pain or suffering upon any animal, or fail to provide humane treatment or cause these things to be done.

Be amended to read as follows:

- (b) It shall be unlawful for anyone to ill-treat, deprive of necessary ~~substance~~ **sustenance** or shelter, or inflict unnecessary pain or suffering upon any animal, or fail to provide humane treatment or cause these things to be done.

SECTION 10

Darlington County Code of Ordinances, Chapter 6 (Animals), Article II (Animal Control), Section 6-15 (Abandonment and maltreatment), items (d - e) **which currently read:**

- (d) It shall be unlawful to leave an animal unattended in a vehicle whereby the animal is unprotected from physical suffering or impairment of health due to exposure to extreme temperature. Any county officer, employee or contract agent, assisted by a law enforcement officer, may remove any animal left unattended in a vehicle when in the animal control officer's opinion the animal is in distress. Any locksmith fees associated

with such rescue shall be the responsibility of the vehicle owner, animal owner, or person responsible for placing the animal in the vehicle.

- (e) The county animal cruelty investigator shall investigate alleged violations of this section or of state anti-cruelty laws with the assistance of the Sheriff, or his designee, as needed.

Be amended to read as follows:

- (d) It shall be unlawful to leave an animal unattended in a vehicle whereby the animal is unprotected from physical suffering or impairment of health due to exposure to extreme temperature. ~~The~~ Any county animal control officer, ~~employee or contract agent, an individual~~ assisted by a law enforcement officer, ~~or an individual (if time is of the essence)~~, may remove any animal left unattended in a vehicle when ~~in the animal control officer's opinion~~ the animal is in distress. Any locksmith fees associated with such rescue shall be the responsibility of the vehicle owner, animal owner, or person responsible for placing the animal in the vehicle.
- (e) The ~~county~~ animal ~~cruelty investigator~~ control officer shall investigate alleged violations of this section or of state anti-cruelty laws with the assistance of the ~~Darlington County Sheriff's Department~~ or ~~his designee~~, the South Carolina Law Enforcement Division, as needed.

SECTION 11

Darlington County Code of Ordinances, Chapter 6 (Animals), Article II (Animal Control), Section 6-16 (Impoundment) **which currently reads:**

Sec. 6-16. Impoundment.

- (a) Immediately after impounding any animal, the shelter officer shall make a reasonable effort to notify the owner of its impoundment and to inform the owner of the conditions whereby he can regain custody of the animal.
- (b) Any animal, without an inoculation tag or other identification, which is impounded under the provisions of this Article and is not claimed by its owner within four (4) business days will become the property of Darlington County or its lawful agent and may be humanely destroyed by Darlington County or its lawful agent or placed for adoption.
- (c) Any animals that are deemed by the county rabies control officer or the senior shelter officer to be sick and/or injured, unweaned or dangerous to humans or other animals may be euthanized immediately.
- (d) Animals with an inoculation tag or other identification shall become the property of Darlington County or its agent upon receiving the owner's written permission, two weeks after the owner has been notified by certified mail to the owner's last known

address that the animal is in the possession of the county or its agent. (S.C. Code 1976, § 47-3-540). Once the animal has become the property of the county or its agent, the animal may be humanely destroyed or adopted out.

Be amended to read as follows:

Sec. 6-16. - Impoundment.

- (a) Immediately after impounding any animal, the ~~shelter~~ **animal control** officer ~~and the shelter officer~~ shall make a reasonable effort to notify the owner of its impoundment and to inform the owner of the conditions whereby he can regain custody of the animal.
- ~~(b) Any animals that are deemed by the animal control officer or the shelter officer to be sick and/or injured, unweaned or dangerous to humans or other animals may be humanely destroyed immediately.~~
- ~~(c) Any animal, without an inoculation tag or other identification, which is impounded under the provisions of this Article and is not claimed by its owner within four (4) business days, will become the property of Darlington County or its lawful agent and may be placed for adoption or humanely destroyed by Darlington County or its lawful agent at the discretion of Darlington County or its agent, or the shelter officer, or placed for adoption.~~
- ~~(c) Any animals that are deemed by the county rabies control officer or the senior shelter officer to be sick and/or injured, unweaned or dangerous to humans or other animals may be euthanized immediately.~~
- (d) ~~Any Animals~~ **Any animals**, with an inoculation tag or other identification, shall become the property of Darlington County or its agent upon receiving the owner's written permission, ~~or~~ two weeks after the owner has been notified by certified mail to the owner's last known address, that the animal is in the possession of the ~~county or its agent~~ **shelter**. (S.C. Code 1976, § 47-3-540). Once the animal has become the property of the county or its agent, the animal may be **placed for adoption or** humanely destroyed, **at the discretion of Darlington County or its agent, or the shelter officer** ~~or adopted out.~~

SECTION 12

Darlington County Code of Ordinances, Chapter 6 (Animals), Article II (Animal Control), Section 6-17 (Redemption) **which currently reads:**

Sec. 6-17. Redemption.

- (a) The owner shall be entitled to resume possession of an impounded pet, except as herein provided in the cases of certain animals, and upon providing proper identification requirements and the payment of redemption fees—\$25.00 plus a rabies inoculation fee, if applicable (S.C. Code 1976, § 47-3-40). The inoculation fee shall be waived upon the owner providing proof of a valid rabies inoculation for the year in which the pet is being held. For each day beyond a full day after notification that an animal is impounded,

\$10.00 per day shall be added to the impoundment fee as a requirement of redemption in addition to the cost of mailing the required notice to the owner. The \$25.00 redemption fee shall be deposited with the treasurer of Darlington County and the remainder shall go to the county's agent or to a special animal shelter account maintained by the county treasurer.

- (b) In the case of a dangerous animal which the owner has failed to control properly and which has been impounded, redemption may be made only with the consent of the board of directors of the county humane society and the payment of all fees and charges.
- (c) The owner of an impounded animal must apply for the redemption of his animal. The animal may not be released unless authorized by the shelter officer with written assurance from the owner that proper care and control will be maintained.
- (d) 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 an inoculation fee to include a 50 percent administration fee. The shelter control officer shall thereafter give a coupon to the owner which is redeemable by licensed veterinarians who have agreed to provide the rabies inoculations. The owner shall be given a list of veterinarians who have agreed to provide the rabies inoculation upon presentment of the coupon. The veterinarian may redeem the coupon by returning it to the county or its lawful agent and the veterinarian shall be paid for the inoculation. The remaining amount shall be kept by the county or its lawful agent for administrative costs. The owner shall have five working days from obtaining possession of the impounded pet to have the pet inoculated for rabies. If the inoculation has not been performed within 15 days from reclamation, the county health department shall contact the owner by certified or registered mail to ensure compliance with the South Carolina Department of Health and Environmental Control Rabies Control Act. If compliance is not immediately made by the owner after being notified by the county health department, the county health department shall enforce compliance with the South Carolina Department of Health and Environment Control Rabies Control Act. Any animal not considered a pet under the existing definition that shall be redeemed by the owner will be charged a fee for the cost of transportation, loading, boarding, and any other expense including but not limited to veterinary care, plus \$25.00 (S.C. Code 1976, § 47-5-140).

Be amended to read as follows:

Sec. 6-17. - Redemption.

- (a) The owner shall be entitled to resume possession of an impounded pet, except as herein provided in the cases of certain animals, and upon providing proper identification requirements and the payment of redemption fees. ~~—\$25.00~~ The redemption fees shall consist of a \$25.00 base fee, a \$10.00 per day boarding fee (for each day beyond a full day after the pet is impounded), plus a \$15.00 rabies inoculation fee, if applicable (S.C. Code 1976, § 47-3-40), and a \$20.00 microchip fee, if applicable (S.C. Code 1976 § 47-

~~3-55]. The inoculation fee shall be waived upon the owner providing proof of a valid rabies inoculation for the year in which the pet is being held. For each day beyond a full day after notification that an animal is impounded, \$10.00 per day shall be added to the impoundment fee as a requirement of redemption in addition to the cost of mailing the required notice to the owner. All fees collected must be delivered to the county treasurer for deposit in the general fund of the county. The \$25.00 redemption fee shall be deposited with the treasurer of Darlington County and the remainder shall go to the county's agent or to a special animal shelter account maintained by the county treasurer.~~

- (b) In the case of a dangerous animal which the owner has failed to control properly and which has been impounded, redemption may be made only with the consent of the board of directors of the county humane society and the payment of all fees and charges.
- ~~(c) The owner of an impounded animal must apply for the redemption of his animal. The animal may not be released unless authorized by the shelter officer with written assurance from the owner that proper care and control will be maintained.~~
- ~~(cd)~~ 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 an inoculation fee ~~to include a 50 percent administration fee~~ in the amount provided in section 6-17(a). The shelter control officer shall thereafter give a coupon to the owner which is redeemable by licensed veterinarians who have agreed to provide the rabies inoculations. The owner shall be given a list of veterinarians who have agreed to provide the rabies inoculation upon presentment of the coupon. The veterinarian may redeem the coupon by returning it to the ~~county or its lawful agent~~ animal shelter and the veterinarian shall be paid for the inoculation. The ~~Any~~ remaining amount shall be kept by the county or its lawful agent for administrative costs. The owner shall have five working days from obtaining possession of the impounded pet to have the pet inoculated for rabies. If the inoculation has not been performed within ~~30~~ 15 days from reclamation, the ~~county health department~~ shelter shall contact the owner by certified or registered mail to ensure compliance with the South Carolina Department of Health and Environmental Control Rabies Control Act. If compliance is not immediately made by the owner after being notified by the ~~county health department~~ shelter, the ~~county health department~~ shelter shall ~~enforce compliance with the South Carolina Department of Health and Environment Control Rabies Control Act~~ notify the county health department. Any animal not considered a pet under the existing definition that shall be redeemed by the owner will be charged a fee for the cost of transportation, loading, boarding, and any other expense including but not limited to veterinary care, plus \$25.00 (S.C. Code 1976, § 47-5-140), as determined by the shelter officer.

SECTION 13

Darlington County Code of Ordinances, Chapter 6 (Animals), Article II (Animal Control), Section 6-18 (Adoption), items (a) – (b) **which currently read:**

Sec. 6-18. Adoption.

- (a) Any animal impounded under the provisions of this article will, at the end of the legal detention period, become the property of Darlington County or its lawful agent. The animal may then be adopted by a person deemed to be a responsible and suitable owner, who will agree to comply with the provisions of this article, answer an adoption questionnaire and sign an adoption contract. Adoption fees must be paid at the time of adoption. The adoption fees shall be set by the county council or by agreement between by Council and its agent.
- (b) No unsterilized animal shall be allowed to be adopted from the animal shelter unless the prospective owner has agreed to have the pet sterilized or unless this requirement is waived by special written permission of the shelter officer stating the reasons for such a waiver. The prospective owner shall pay a 50 percent deposit toward the cost of sterilization which shall be applied toward the cost of the procedure or refunded when documentation of sterilization is produced.

Be amended to read as follows:

Sec. 6-18. - Adoption.

- (a) Any animal impounded under the provisions of this article will, at the end of the legal detention period, become the property of Darlington County or its lawful agent. The animal may then be adopted by a person deemed to be a responsible and suitable owner, who will agree to comply with the provisions of this article, answer an adoption questionnaire and sign an adoption contract. Adoption fees must be paid at the time of adoption. The adoption fees shall be ~~set by the county council or by agreement between by Council and its agent~~ **\$100.00.**
- (b) No unsterilized animal shall be allowed to be adopted from the animal shelter unless the prospective owner has agreed to have the pet sterilized or unless this requirement is waived by special written permission of the shelter officer stating the reasons for such a waiver. **If an unaltered pet is adopted, the prospective owner shall pay a \$50.00 fee for dogs or a \$25.00 fee for cats, which shall be refunded to the prospective owner after providing proof to the animal shelter that the sterilization procedure has been performed.** ~~The prospective owner shall pay a 50 percent deposit toward the cost of sterilization which shall be applied toward the cost of the procedure or refunded when documentation of sterilization is produced.~~

SECTION 14

Darlington County Code of Ordinances, Chapter 6 (Animals), Article II (Animal Control), Section 6-20 (Enforcement) **which currently reads:**

Sec. 6-20. Enforcement.

- (a) The deputy administrator for public safety, department of public safety, and county animal control officers and animal cruelty investigators are hereby appointed as code enforcement officers for the purposes of the enforcement of this article.
- (b) In the event that the animal control officers are unable to respond to complaints due to other commitments, the county sheriff's department or other authorized law enforcement agency may respond to complaints.
- (c) Persons empowered to enforce this article shall have the authority to lawfully and humanely destroy any animal which appears to be dangerous and may endanger their safety or the safety of other persons or animals.
- (d) The animal control officers or animal cruelty investigators will, if necessary, obtain a search warrant to enter any premises upon which it is suspected a violation of this article exists. An officer may demand to examine such animal and take possession of the animal when, in his opinion, it requires removal from the premises.
- (e) No person shall interfere with, hinder, or molest the animal control officers, cruelty investigators or law enforcement officers in the execution of their duties, or seek to release of any animal in the custody of the animal control officers, animal cruelty investigators, or law enforcement officers, except as provided herein.
- (f) When an animal and/or its owner is found in violation of any one point of this article, the animal need not be impounded; but the animal control officers, animal cruelty investigators, or law enforcement officers at their discretion, may issue to the owner a notice of violation or a uniform ordinance summons. Any repeat violation within 90 days shall result in a uniform ordinance summons.
- (g) It shall be unlawful for any person to keep upon his or her premises any animal that is deemed a public nuisance.
- (h) If an animal control officer receives a signed affidavit from a complainant alleging a violation of this article, the officer may issue a uniform ordinance summons based on this information.

Be amended to read as follows:

Sec. 6-20. - Enforcement.

- (a) The ~~deputy administrator for public safety, department of public safety, and~~ county animal control officers ~~and animal cruelty investigators~~ are hereby appointed as code enforcement officers for the purposes of the enforcement of this article.

- (b) In the event that the animal control officers are unable to respond to complaints due to other commitments, the Darlington County Sheriff's Department or other authorized law enforcement agency may respond to complaints.
- (c) ~~Persons empowered to enforce this article~~ Animal control officers, if properly trained as a Class 1 Law Enforcement Officer by the South Carolina Criminal Justice Academy, Darlington County Sheriff's deputies, or other authorized law enforcement officers shall have the authority to lawfully and humanely destroy any animal which appears to be dangerous ~~and or~~ may endanger their safety or the safety of other persons or animals.
- (d) Animal control officers, if properly trained as a Class 1 Law Enforcement Officer by the South Carolina Criminal Justice Academy, Darlington County Sheriff's deputies, or other authorized law enforcement officers ~~The animal control officers or animal cruelty investigators~~ shall will, if necessary, obtain a search warrant to enter any premises upon which it is suspected a violation of this article exists. An officer may demand to examine such animal and take possession of the animal when, in his opinion, it requires removal from the premises.
- (e) No person shall interfere with, hinder, or molest the animal control officers, Darlington County Sheriff's deputies, or other authorized law enforcement officers ~~animal control officers, cruelty investigators or law enforcement officers~~ in the execution of their duties, or seek to release ~~of~~ any animal in the custody of the animal control officers, Darlington County Sheriff's deputies, or other authorized law enforcement officers ~~animal control officers, animal cruelty investigators, or law enforcement officers, except as provided herein.~~
- (f) When an animal and/or its owner is found in violation of ~~any one point of this article ordinance~~, the animal need not be impounded; but the animal control officers, Darlington County Sheriff's deputies, or other authorized law enforcement officers, ~~animal control officers, animal cruelty investigators, or law enforcement officers~~ at their discretion, may issue to the owner ~~a notice of violation or~~ a uniform ordinance summons. Any repeat violation within 90 days shall result in a uniform ordinance summons.
- (g) It shall be unlawful for any person to keep upon his or her premises any animal that is deemed a public nuisance.
- (h) Nothing within this section shall be construed to limit applicability or enforceability of S.C. Code 1976 §47-1-150.
- ~~(h) If an animal control officer receives a signed affidavit from a complainant alleging a violation of this article, the officer may issue a uniform ordinance summons based on this information.~~

SECTION 15

Darlington County Code of Ordinances, Chapter 6 (Animals), Article II. (Animal Control), Section 6-21 (Dangerous animals), sections (a) – (a)(1) a. **which currently read:**

Sec. 6-21. Dangerous animals.

- (a) Law enforcement agents and the animal control officers shall have the authority to determine if the animal is a dangerous animal based on subsection (a) through (e):
 - (1) As used in this article "dangerous animal" means an animal of the canine or feline family or wild animal:
 - a. Which the owner knows or reasonable should know has a propensity, tendency, or disposition to attack unprovoked, cause injury, or otherwise endanger the safety of human beings or domestic animals;

Be amended to read as follows:

Sec. 6-21. - Dangerous animals.

- (a) Animal control officers, Darlington County Sheriff's deputies, or other authorized law enforcement officers ~~Law enforcement agents and the animal control officers~~ shall have the authority to determine if the animal is a dangerous animal based on ~~subsection (a) through (e)~~ this section:
 - (1) As used in this article "dangerous animal" means an animal of the canine or feline family or wild animal:
 - a. Which the owner knows or reasonably ~~e~~ should know has a propensity, tendency, or disposition to attack unprovoked, cause injury, or otherwise endanger the safety of human beings or domestic animals;

SECTION 16

Darlington County Code of Ordinances, Chapter 6 (Animals), Article II. (Animal Control), Section 6-21 (Dangerous animals), section (b) **which currently reads:**

- (b) Law enforcement agents and the animal control officers shall have the authority to deem the animal dangerous. The law enforcement agents or animal control officer shall issue to the owner a document stating that their animal is a dangerous animal along with a copy of the county animal control ordinance and S.C. Code 1976, § 47-3-710 et seq. (regulation of dangerous animals). The owner must sign a copy of the document that deems the animal dangerous to prove that he has been so informed. If the owner of a dangerous animal wishes to appeal the animal being deemed dangerous, the owner may file, within five days, a written request for a hearing with the county administrator. If the county administrator upholds the law enforcement agent or animal control officer's

determination and the owner desires to appeal, the owner may file a show cause hearing.

Be amended to read as follows:

- (b) Animal control officers, Darlington County Sheriff's deputies, or other authorized law enforcement officers ~~Law enforcement agents and the animal control officers~~ shall have the authority to deem the animal dangerous. The animal control officers, Darlington County Sheriff's deputies, or other authorized law enforcement officers ~~law enforcement agents or animal control officer~~ shall issue to the owner a document stating that their animal is a dangerous animal along with a copy of the county animal control ordinance and S.C. Code 1976, § 47-3-710 et seq. (regulation of dangerous animals). The owner must sign a copy of the document that deems the animal dangerous to prove that he has been so informed. If the owner of a dangerous animal wishes to appeal the animal being deemed dangerous, the owner may file, within five days, a written request for a hearing with the a county administrator magistrate. If the a county administrator magistrate upholds the animal control officer's, Darlington County Sheriff's deputy's, or other authorized law enforcement officer's ~~law enforcement agent or animal control officer's~~ determination and the owner desires to appeal, the owner may file a show cause hearing in the Darlington County Circuit Court.

SECTION 17

Darlington County Code of Ordinances, Chapter 6 (Animals), Article II (Animal Control), Section 6-21 (Dangerous animals), sections (e) – (f) **which currently read:**

- (e)
- (1) If a law enforcement agent, or an animal control officer has probable cause to believe that a dangerous animal is being harbored or cared for in violation of section 6-21(c) of this article or section 6-21(d) of this article, he may petition the court having jurisdiction to order the seizure and impoundment of the dangerous animal while the trial is pending.
 - (2) If a law enforcement agent, or an animal control officer has probable cause to believe that a dangerous animal is being harbored or housed in violation of section 6-21(d), he may seize and impound the dangerous animal while the trial is pending.
- (f)
- (1) A person who violates section 6-21(c) of this article or section 6-21(d) of this article, or who is the owner of a dangerous animal which attacks and injures a human being or domestic animal is guilty of a misdemeanor and, upon conviction, may be punished up to the limits provided by law or may be prosecuted under the provisions of the state law (S.C. Code 1976, § 47-3-760 B(1) and (2)).
 - (2) A dangerous animal which attacks a human being or domestic animal may be ordered destroyed when, in the court's judgement, the dangerous animal

represents a continuing threat of serious harm to human beings or domestic animals.

- (3) A person found guilty of violating this article shall pay all expenses, including, but not limited to, shelter, food, veterinary expenses for boarding and veterinary expenses necessitated by the seizure of an animal for the protection of the public, medical expenses incurred by a victim from an attack by a dangerous animal, and other expenses required for the destruction of the animal [S.C. Code 1976, § 47-3-760(D)].
- (4) Any person owning a dangerous animal shall register the animal with the animal control officer on an annual basis. The registration must be filed within 15 days of the animal being deemed dangerous and must be renewed annually. The registration application shall state the owner(s) name, mailing address, address where the animal is kept if it is kept at a location different from the mailing address, type of animal, breed, sex, color and distinguishing markings, and enclosure in which housed. The registration application must be accompanied by proof of liability insurance or surety bond of at least \$50,000.00 insuring or securing the owner for personal injury inflicted by the dangerous animal [S.C. Code 1976, § 47-3-760(E)]. An annual fee of \$25.00 per animal shall accompany the registration application payable to the treasurer, County of Darlington. Failure to register an animal deemed dangerous will subject the owner to a penalty not to exceed \$500.00.
- (5) The animal control officer shall provide the owner registering the dangerous animal a metal license tag bearing the title "dangerous animal" with a consecutive number, County of Darlington, and the animal control officer's phone number. A certificate stating the animal is a registered dangerous animal will also be provided to the owner. The metal license tag shall at all times be attached to a collar or harness worn by the animal for which the certificate and tag have been issued.
- (6) If an owner fails to comply with any of these provisions, then the deputy administrator for public safety shall immediately impound the animal for the safety of the public. Upon impounding the dangerous animal, the deputy administrator for public safety shall immediately notify the owner in writing that the animal has been impounded and will be held pending trial.

Be amended to read as follows:

- (e)
 - (1) If ~~a~~ animal control officers, Darlington County Sheriff's deputies, or other authorized law enforcement officers ~~law enforcement agent, or an animal control officer~~ has ~~yes~~ probable cause to believe that a dangerous animal is being harbored or cared for in violation of section 6-21(c) of this article or section 6-21(d) of this

article, he may petition the ~~court~~ Darlington County Circuit Court ~~—having jurisdiction~~ to order the seizure and impoundment of the dangerous animal while the trial is pending.

- (2) If animal control officers, Darlington County Sheriff's deputies, or other authorized law enforcement officers ~~a law enforcement agent, or an animal control officer~~ has~~ve~~ probable cause to believe that a dangerous animal is being harbored or housed in violation of section 6-21(d), he may seize and impound the dangerous animal while the trial is pending.

(f)

- (1) A person who violates section 6-21(c) of this article or section 6-21(d) of this article, or who is the owner of a dangerous animal which attacks and injures a human being or domestic animal is guilty of a misdemeanor and, upon conviction, may be punished up to the limits provided by law or may be prosecuted under the provisions of the state law (S.C. Code 1976, § 47-3-760 B(1) and (2)).
- (2) A dangerous animal which attacks a human being or domestic animal may be ordered to be humanely destroyed when, in the ~~court's~~ Darlington County Circuit Court's judgement, the dangerous animal represents a continuing threat of serious harm to human beings or domestic animals.
- (3) A person found guilty of violating this article shall pay all expenses, including, but not limited to, shelter, food, veterinary expenses for boarding and veterinary expenses necessitated by the seizure of an animal for the protection of the public, medical expenses incurred by a victim from an attack by a dangerous animal, and other expenses required for the destruction of the animal [S.C. Code 1976, § 47-3-760(D)].
- (4) Any person owning a dangerous animal shall register the animal with the animal control officer on an annual basis. The registration must be filed within 15 days of the animal being deemed dangerous and must be renewed annually. The registration application shall state the owner(s) name, mailing address, address where the animal is kept if it is kept at a location different from the mailing address, type of animal, breed, sex, color and distinguishing markings, and a description of the enclosure in which it is housed. The registration application must be accompanied by proof of liability insurance or surety bond of at least \$50,000.00 insuring or securing the owner for personal injury inflicted by the dangerous animal [S.C. Code 1976, § 47-3-760(E)]. An annual fee of \$25.00 per animal shall accompany the registration application payable to the county treasurer, ~~County of Darlington~~. Failure to register an animal deemed dangerous will subject the owner to a penalty ~~not to exceed \$500.00~~ as specified in section 6-24.

- (5) The animal control officer shall provide the owner registering the dangerous animal a metal license tag bearing the title "dangerous animal" with a consecutive number, County of Darlington, and the animal control officer's phone number. A certificate stating the animal is a registered dangerous animal will also be provided to the owner. The metal license tag shall at all times be attached to a collar or harness worn by the animal for which the certificate and tag have been issued.
- (6) If an owner fails to comply with any of these provisions, then the animal control officers, with the assistance of Darlington County Sheriff's deputies, South Carolina Law Enforcement Division, or other authorized law enforcement officers, ~~deputy administrator for public safety~~ shall immediately impound the animal for the safety of the public. Upon impounding the dangerous animal, the animal control officer ~~deputy administrator for public safety~~ shall immediately notify the owner in writing that the animal has been impounded and will be held pending trial.

SECTION 18

Darlington County Code of Ordinances, Chapter 6 (Animals), Article II (Animal Control), Section 6-22 (Nuisance animal), item (b) **which currently reads:**

- (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.

Be amended to read as follows:

Sec. 6-22. - Nuisance animal.

- (b) It shall be unlawful for any person to own, keep, ~~posses~~ possess or maintain an animal in such a manner as to constitute a public nuisance.

SECTION 19

Darlington County Code of Ordinances, Chapter 6 (Animals), Article II (Animal Control), Section 6-23 (Records of impounded animals) **which currently reads:**

Sec. 6-23. Records of impounded animals.

It shall be the duty of the shelter officer to keep accurate and detailed records of seizures and dispositions of all animals coming into the animal shelter's custody and to file this report with the county administrator each month. It shall be the duty of the rabies control officer, assisted by the captain of public safety and animal control officers, to keep accurate records on all animals seized, all reported animal bites, all animals quarantined due to bites or possible violation of the dangerous animal provisions of this article and state law. No animals may be adopted out through quarantine, but must be transferred to the animal shelter for disposition. Said officials shall make monthly reports on said activities to the county administrator and shelter officer.

Be amended to read as follows:

Sec. 6-23. - Records of impounded animals.

It shall be the duty of the shelter officer to keep accurate and detailed records of seizures and dispositions of all animals coming into the animal shelter's custody and to file this report with the county administrator each month. It shall be the duty of the ~~rabies control officer, assisted by the captain of public safety and~~ animal control officers, to keep accurate records on all animals seized, all reported animal bites, all animals quarantined due to bites or possible violations of the dangerous animal provisions of this article and state law. No animals may be adopted out through quarantine, but must be transferred to the animal shelter for disposition. Said officials shall make monthly reports on said activities to the county administrator and shelter officer.

SECTION 20

Darlington County Code of Ordinances, Chapter 6 (Animals), Article II. (Animal Control), Section 6-24 (Penalties) **which currently reads:**

Sec. 6-24. Penalties.

Any person violating any provision of this article shall be deemed guilty of a misdemeanor and may be punished up to the limits provided by law. The following minimum fines are hereby established:

First offense \$50.00

Second offense 100.00

Third and subsequent offenses..... 150.00

All minimum fines are exclusive of court cost, fees and charges.

Be amended to read as follows:

Sec. 6-24. - Penalties.

Any person violating any provision of this article shall be deemed guilty of a misdemeanor shall be subject to a fine not exceeding \$500.00 or imprisonment not exceeding 30 days or by both fine and imprisonment. ~~and may be punished up to the limits provided by law. The following minimum fines are hereby established:~~

~~First offense\$ 50.00~~

~~Second offense100.00~~

~~Third and subsequent offenses150.00~~

~~All minimum fines are exclusive of court cost, fees and charges.~~

SECTION 21.

The provision of this ordinance shall be included and incorporated in the Code of Ordinances of the County of Darlington, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

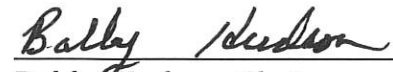
SECTION 22.

This ordinance shall become effective upon third reading.

ATTEST:

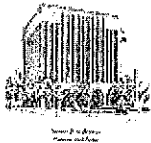

J. Janet Bishop
Clerk to Council

DARLINGTON COUNTY COUNCIL


Bobby Hudson, Chairman

FIRST READING: June 5, 2023
SECOND READING: June 19, 2023
PUBLIC HEARING: July 3, 2023
THIRD READING: July 3, 2023

Darlington County Recording Page



Darlington Clerk of Court / ROD
Scott B. Suggs
Darlington County Courthouse
1 Public Square - Room B-4
Darlington, SC 29532
(843) 398-4330

OrdinanceNo : **2023-04**



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