

PICKENS COUNTY

SOUTH CAROLINA

COUNCIL MEMBERS

CHRIS BOWERS, CHAIRMAN
ROY COSTNER, VICE CHAIRMAN
ALEX SAITTA, VICE CHAIR PRO-TEM
C. CLAIBORNE LINVILL
CHRIS LOLLIS
HENRY WILSON



COUNTY ADMINISTRATOR

KEN ROPER

CLERK TO COUNCIL

MEAGAN NATIONS

PICKENS COUNTY COMMITTEE OF THE WHOLE MEETING

Monday, October 16, 2023

6:00 PM

Main Conference Room, County Administration Facility
222 McDaniel Avenue, Pickens SC 29671

All meetings of Pickens County Council are held in accordance with the South Carolina Freedom of Information Act, Section 30-4-70, *et seq.* of the Code of Laws of South Carolina, 1976, as amended, as well as the Organizational Rules for Pickens County Council.

1. WELCOME AND CALL TO ORDER: Chairman Chris Bowers
INVOCATION AND PLEDGE OF ALLEGIANCE: Councilman Chris Lollis
2. COMMITTEE OF THE WHOLE:
 - a. **Log No. 222** – ANIMAL CONTROL ORDINANCE
 - b. **Log No. 141** – UDSO
3. ADJOURN

Committee of the Whole Log

Updated 10/11/2023

Log Number	Description	Date Referred	Meeting Date(s)	Action
80	County Radio System	11/6/2017	2/22/2022	■ No action taken by Committee.
			10/17/2022	■ Chairman Chris Bowers made a motion to put out an RFP for either/or the Project 25 UHF Standalone System and the Project 25 800 MHz Standalone System. Motion was seconded by Councilman Ensley Feemster and carried unanimously (6-0).
			5/15/2023	■ Vice Chairman Roy Costner made a motion to allocate \$10,366,737 of ARPA Funding towards the County Radio System. Motion was seconded by Councilman Alex Saitta. Motion carried unanimously (6-0).
109	Fort Prince George	10/1/2018	10/15/2018	■ Committee recommends staff working with the Historical Society to explore the logistics of the location and report back to Committee. No action taken by Committee.
			8/19/2019	■ No action taken by Committee.
123	AN ORDINANCE No. 572 AMENDING ARTICLE I OF CHAPTER 34 OF THE PICKENS COUNTY CODE OF ORDINANCES SO AS TO PROVIDE REMEDIES AND PENALTIES FOR ILLEGAL LITTER AND DUMPING IN THE UNINCORPORATED AREAS OF PICKENS COUNTY, AND MATTERS RELATED THERETO.	5/13/2019	3/21/2022	.
133	Solid Waste Needs	10/7/2019	12/16/2019	■ No Action Taken by the Committee.

Committee of the Whole Log

Updated 10/11/2023

			3/15/2021	<p>■ Councilman Trey Whitehurst made a motion to approve moving an allocation of \$358,400 from fund balance, for this capital project, forward into this year's budget for Solid Waste. Motion was seconded by Councilman Ensley Feemster and carried unanimously (6-0).</p>
			7/19/2021	<p>■ No Action Taken by the Committee.</p>
			2/21/2023	<p>■ Chairman Chris Bowers made a motion to move forward with expanding the piggyback at the landfill and the purchase of an excavator for \$142,000. Motion was seconded by Councilman Henry Wilson and carried (4-2), with Councilman Alex Saitta and Councilman Chris Lollis opposed.</p>
134	Mental Health	10/7/2019	1/21/2020	<p>■ No Action Taken by the Committee.</p>
			1/25/2021	<p>■ No Action Taken by the Committee.</p>
141	UDSO	2/3/2020	3/16/2020	<p>■ <i>Meeting cancelled due to COVID-19 Special Called Meeting.</i></p>
			2/16/2021	<p>■ No Action Taken by the Committee.</p>
			11/19/2022	<p>■ No Action Taken by the Committee.</p>
			1/17/2023	<p>■ Vice Chairman Roy Costner made a motion for a 6-month Moratorium, with an option to be extended out 90 days, to be moved out of Committee and for staff to provide recommendation on development size. Motion was seconded by Henry Wilson and carried unanimously (6-0).</p>

Committee of the Whole Log

Updated 10/11/2023

				<p>■ After more discussion, Chairman Chris Bowers made a motion for First Reading in Title Only to amend the UDSO and return to Committee for further discussion. Motion was seconded by Vice Chairman Roy Costner and carried unanimously (6-0).</p>
			2/21/2023	■ No Action Taken by the Committee.
			4/17/2023	■ No Action Taken by the Committee.
			7/17/2023	■ No Action Taken by the Committee.
			8/21/2023	■ No Action Taken by the Committee.
			8/31/2023	■ No Action Taken by the Committee.
			9/18/2023	<p>■ Councilman Henry Wilson made a motion to leave the common roads out of the ordinance and discussion for the time being until discussed at a future date. Motion was seconded by Vice Chairman Roy Costner and carried (5-0). Councilman Henry Wilson made a motion to extend the moratorium for 90 days. Motion was seconded by Councilman Chris Lollis and carried unanimously (5-0).</p>
			10/16/2023	
142	Discussion on Old Jail	2/3/2020	2/10/2020	■ No Action Taken by the Committee.
			8/17/2020	<p>■ Vice Chairman Chris Bowers made a motion to implement a Memorandum of Understanding, laying out a plan on how Reverend Moss will implement the facility. Motion was seconded Councilman Whitehurst and carried unanimously (6-0).</p>
			3/21/2022	<p>■ Chairman Chris Bowers made a motion to allocate funding, totaling \$98,000 towards this project at the Old Stockade. Councilman Trey Whitehurst seconded the motion. The motion carried (5-1), with Councilman Alex Saitta opposed.</p>
177	American Rescue Act Funding	6/7/2021	8/30/2021	■ No Action Taken by the Committee.

Committee of the Whole Log

Updated 10/11/2023

			9/20/2021	<p>■ Chairman Chris Bowers made a motion to use American Rescue Act Funding towards the first bill from the Broadband Project and towards twenty (20) Solid Waste Containers for the Solid Waste Department. Motion was seconded by Councilman Alex Saitta and carried (5-0).</p>
			10/18/2021	<p>■ Chairman Chris Bowers made a motion to go into executive session to discuss one-time funding for county employees out of American Rescue Act Funding. Motion was seconded by Vice Chairman Roy Costner and carried (6-0).</p> <p>■ <i>(second motion)</i> Chairman Chris Bowers made a motion to recommend to move forward to council meeting American Rescue Act Funding compensation 5/25/2/1 plan and to exempt county council from the plan. Motion was seconded by Vice Chairman Roy Costner and carried (6-0).</p>
			11/15/2021	<p>■ Vice Chairman Roy Costner made a motion to use the lost revenue to purchase a bailer for \$750,000. Motion was seconded by Councilman Alex Saitta and carried unanimously (6-0).</p> <p>■ Councilman Alex Saitta made a motion to amend to add a refund of \$75,000 for the Clean Up Pickens Program. Motion was seconded by Roy Costner and carried unanimously (6-0).</p>

Committee of the Whole Log

Updated 10/11/2023

				<p>■ Councilman Henry Wilson made a motion for staff to create a process for Non-Profits to apply for ARPA funding based on the principles set forth. Motion was seconded by Chairman Chris Bowers. The motion carried (4-2), with Councilman Alex Saitta and Councilman Trey Whitehurst opposed.</p>
			5/15/2023	<p>■ No Action Taken by the Committee.</p>
178	Hagood Mill MOU	6/14/2021		
182	Unified Dispatch Plan from Staff	9/13/2021	9/20/2021	<p>■ Chairman Chris Bowers made a motion to bring in Liberty City Dispatch for the reasons Chief Gibson explained, for Emergency Services to continue to give updates to Council, and to include the updates in Administrator Roper's report each month. The motion was seconded by Councilman Henry Wilson and carried unanimously (5-0).</p>
			10/18/2020	<p>■ No Action taken by the Committee.</p>
			2/22/2022	<p>■ No Action taken by the Committee.</p>
196	Arial Mill Rehab Project	2/7/2022		
203	Updating County Tire Policy Per DHEC Requirement	5/3/2022		
208	County Employee Handbook	8/8/2022		
209	County Constables and Certification Process	10/3/2022	10/17/2022	<p>■ Councilman Henry Wilson made a motion to table for future consideration. Motion was seconded by Councilman Ensley Feemster and carried (5-1), with Councilman Alex Saitta opposed.</p>
210	2023 Recreation Funding Applications	4/3/2023		

Committee of the Whole Log

Updated 10/11/2023

211	2023 ATAX Funding Applications	4/3/2023		■ Please see minutes for motions.
212	AMENDMENTS TO CHAPTER 6 OF THE PICKENS COUNTY CODE OF ORDINANCES SPECIFIC TO THE OPERATIONS OF THE PICKENS COUNTY AIRPORT AND MATTERS RELATED THERETO.	4/3/2023		■ Chairman Chris Bowers made a motion to move out of Committee. Motion was seconded by Councilman Alex Saitta and carried unanimously (5-0).
213	Pickens County Water Authority	5/1/2023	5/15/2023	■ No Action taken by the Committee.
214	Sewer Capacity	5/1/2023	7/17/2023	■ Chairman Chris Bowers made a motion allow the City of Clemson into the sewer capacity study. Motion was seconded by Councilman Henry Wilson and carried unanimously (6-0).
215	Council Rules	5/1/2023	5/15/2023	■ Councilman Henry Wilson made a motion to remove Section 7:2 (a)(8) in Council Organization Rules, which states, "Board or commission members should resign their appointment prior to announcing or filing for candidacy for an elective office." Councilman Alex Saitta seconded the motion and the motion carried unanimously (6-0).
			7/17/2023	■ See minutes for motions.
216	American Flood Coalition	7/10/2023		
217	Workforce/Childcare Task Force	7/10/2023		

Committee of the Whole Log

Updated 10/11/2023

218	Proposed Changes to the Pickens County Solid Waste Management Plan to adhoc SW Committee	7/10/2023		
219	Administration Roof Replacement	8/7/2023		
220	Emergency Services	8/7/2023		
221	Reassessment	9/5/2023	9/18/2023	<p>■ Vice Chairman Roy Costner made a motion to move this out of Committee for First Reading in Title Only. Motion was seconded by Councilman Henry Wilson and carried (4-1), with Councilman Alex Saitta opposed.</p>
222	Animal Control Ordinance	10/2/2023	10/16/2023	

**Log No. 122 – Animal Control
Ordinance**

ARTICLE II: DOGS, CATS, WILDLIFE AND EXOTIC ANIMALS

Section

- 4-11 Definitions
- 4-12 Animal control officer's duties
- 4-13 Animal shelter and dog or cat pounds
- 4-14 Required to have a rabies tag
- 4-15 Impoundment; notice to owners; release and disposition of impounded dogs or cats
- 4-16 Procedure in case of attack by dog or cat
- 4-17 Continuous barking, crying and the like
- 4-18 Unlawful acts
- 4-19 Cruelty to animals
- 4-20 Keeping wild, dangerous or vicious animals
- 4-21 Dead animals
- 4-22 Enforcement
- 4-23 Penalty
- 4-24 Municipalities excepted

Statutory reference:

Authority of county relative to dogs and domestic pets generally, see S.C. Code, §§ 47-3-10 through 47-3-75

§ 4-11 DEFINITIONS.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Abandonment (of an animal). The act of any person who:

- (a) Abandons an animal by leaving it unattended for a period of in excess of 48 hours without adequate food, water, ventilation or shelter on public or private property, including but not limited to, the property of the owner/custodian;
- (b) Puts out, leaves, abandons or in any other way discards any animal on public or private property, including but not limited to, property of the owner/custodian, and including but not limited to, leaving an animal in a box, bag, fence, house or other structure; or
- (c) Places an animal in the custody of a state-licensed entity, such as, but not limited to, a veterinary clinic, grooming facility or pet sitter for treatment, boarding or other care, and fails to reclaim the animal by an agreed upon time.

Abuse. An act or neglect harming any animal, including but not limited to:

- (a) Depriving adequate food, water, shelter, ventilation, care, space or veterinary care;
- (b) Physically harming, torturing, mutilating, beating or illegally killing;
- (c) Training/using for fighting other animals; and
- (d) Using as bait to train/lure other animals to fight/kill.

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

Animal bite. Any physical contact of the teeth, nails or claws of an animal with human flesh, including but not limited to, a scrape, puncture, pierce, scratch or tear, so long as bleeding results.

Animal control office. The office designated by Greenville County with such powers and duties as are hereinafter set forth in this article.

Animal control officer. A person appointed by county council with such powers and duties as are hereinafter set forth in this article.

Animal hoarding.

- (a) Collecting animals and failing to provide them with humane/adequate care;
- (b) Collecting dead animals that are not properly disposed; or
- (c) Collecting, housing or harboring animals in filthy, insanitary conditions that constitute a health hazard to the animals being kept, and/or to the animals or residents of adjacent property.

Animal mill. An individual or entity that keeps and/or breeds animals in conditions where animals are frequently caged for extended periods of time, do not receive adequate care, and/or are not kept in an environment conducive to the health and well being of the animal. An *animal mill* may be used for the purpose of producing multiple offspring for sale.

Animal shelter. Any premises designated by county council for the purpose of impounding, care or destruction of dogs or cats held pursuant to this article.

Care (adequate humane). Attention to the needs of an animal, including but not limited to, providing adequate water, food, shelter, bedding, sanitary condition, ventilation, space, exercise and veterinary medical attention necessary to maintain the health of the animal with regard to its specific age, size, species and breed.

Cat. All members of the domesticated feline family.

County. The unincorporated area of the county and any municipally requesting dog or cat control services of the county, as long as county council approves and the city adopts appropriate legislation to this effect.

Current cost of impound fee. The amount of money paid to a contractor of the county to provide board and care for an impounded animal for a minimum period set in the contract.

Dangerous or vicious animal. An animal:

- (a) With a known propensity, tendency or disposition to attack unprovoked, to cause injury to, or to otherwise endanger the safety of, humans or domestic animals;
- (b) That attacks a human being or other domestic animal without provocation; or
- (c) That is trained or used to fight or to attack humans or other animals.

This definition shall not apply to a dog owned or used by a governmental entity; or to an animal that bites or attacks a person or animal trespassing on the property of the attacking animal's owner; or to

an animal that bites or attacks a person or animal that provokes, torments, tortures or treats that animal cruelly.

Feeding a domesticated animal to a snake shall not make the snake a *vicious animal*.

Dog. All members of the canine family.

Domestic animal. Any animal other than wildlife, a wild animal or an exotic animal, as defined by this article, that is domesticated by humans so as to live and breed in a tame condition. *Domesticated animal* includes, but is not limited to, cats, dogs, fowls, horses, cattle, sheep and goats.

Euthanize. To put to death in a humane manner.

Exterior area. Any area outside a structure, including but is not limited to, an area enclosed by fence.

Exotic animal. Any animal that is not indigenous to this state.

Fence.

(a) A structure of wire, wood, stone or other materials, not including invisible fencing, which is of sufficient height and strength to act as barrier against the passage of the animal it is intended to enclose.

(b) A *fence* does not include an invisible fence that is:

1. Turned off or within which the animal is not wearing a properly operating signaling device;
2. Ineffective for any animal that has learned it can cross the fence line; or
3. Intended to be a means of keeping people or animals out of an enclosed area, buried in or adjacent to a county right-of-way.

(c) An invisible fence is not an acceptable means of control for an animal classified as dangerous, or in estrus/heat.

Food (adequate). Adequate quantity of non- contaminated and nutritionally *adequate food*, fed according to age, size, species and breed requirements, which is sufficient to prevent starvation, malnutrition or risk to the animal's health. Garbage or spoiled/rancid food is not considered *adequate food*.

Garbage. All refuse matter/effluent. *Garbage* includes, but is not limited to, animal or vegetable refuse, by-product of a restaurant, kitchen or meat- /poultry-processing establishment, spoiled/rancid food and refuse accumulation of animal, fruit or vegetable matter, liquid or otherwise, that is normally discarded.

Humane society. An organization chartered under the principles of the South Carolina Society for the Prevention of Cruelty to Animals.

Impound. The act of an officer or agent of the county, whereby this person takes charge of an animal for the purpose of confining in a humane manner, including but not limited to, providing sufficient and nourishing food, warm and well ventilated shelter and medical attention.

Insanitary condition. Animal living space, including shelter and exercise area, contaminated by health hazards, irritants, items or conditions that endanger or pose a risk to an animal's health, including but not limited to:

- (a) Excessive animal waste;
- (b) Garbage, trash or effluent;
- (c) Standing water or mud;

- (d) Rancid/contaminated food or water;
- (e) Fumes, foul or noxious odor, air, hazardous chemicals or poisons;
- (f) Decaying material;
- (g) Uncontrolled parasite or rodent infestation; and
- (h) Areas that contain nails, screws, broken glass, broken boards, pits, poisons, sharp implements or other items that could cause injury, illness or death to an animal.

Kenel. Any facility wherein a person, firm or corporation harbors, raises or breeds animals for pleasure, sport, show, sale, hire, or for a legitimate business purpose, and which complies with state and county laws, where applicable, concerning housing and care for animals.

Owner or keeper. Any person who:

- (a) Has a right of property in an animal;
- (b) Keeps or harbors a an animal or has it in his care, or acts as its custodian for 10 days or more; or
- (c) Permits an animal to remain on or about any premises occupied by him.

Proper enclosure. An enclosure for keeping a dangerous or vicious animal securely confined indoors or in a securely enclosed and locked pen, fence or structure that is suitable to prevent the entry of another animal or any person other than the owner or caretaker. The *enclosure* must:

- (a) Be designed to prevent the animal from escaping; and

1. If the enclosure is a fence, the fence must be high enough to keep the animal from climbing over and must be secured at the bottom either by burying the fence at least 1 foot in the ground or by cement or concrete. If the fence is less than 4 feet high, it must have a top and the floor must be cement, concrete or other impenetrable surface. The fence must be clearly marked by a sign stating "Dangerous Animal".

2. If the enclosure is a pen or structure other than a fence, it must have secure sides, top and bottom constructed or secured in such a manner to prevent the animal's escape, and be of height and strength to maintain the animal within it.

- (b) Provide adequate shelter and adequate space for the species of the animal contained therein.

Running at large. Being off the premises of the owner or keeper and not under the physical control of the owner or keeper by means of a leash or other similar restraining device.

Severe injury. Any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic or corrective surgery.

Shelter (adequate). Protective cover for a domestic animal appropriate for its species, and providing adequate space to maintain the animal in good health, which also prevents pain, suffering or significant risk to its health.

- (a) **Adequate shelter** includes, but is not limited to, the following:

- 1. Sufficient coverage to protect an animal from extreme hot and cold temperatures;
 - 2. Sufficient protection from the elements to keep the animal dry;
 - 3. Sufficient shade and ventilation to prevent an animal from overheating and/or dehydrating;
- and

4. Structurally sound housing that provides an animal with:

- a. Adequate space;
- b. Four solid walls or similar type configuration, with an opening allowing the animal to enter into the structure;
- c. A roof; and
- d. A dry floor.

(b) Materials not suitable for shelters include, but are not limited to, the following:

1. Crates with exposed sharp edges;
2. Metal or plastic drums;
3. Abandoned or parked vehicles;
4. Porches or decks allowing the entry of precipitation or inclement weather; or
5. Any other structure that fails to provide sufficient protection from the elements, and is not safe or suitable for housing the species.

Space (adequate). Includes, but is not limited to, the following:

- (a) Space for an animal to adequately exercise suitable to its age, size and breed;
- (b) Space during periods of confinement, suitable to the animal's age, size, species and breed, permitting it to turn about freely, stand, sit, lie and move, in comfortable and normal position; and
- (c) For sick or injured animals, confinement as directed by veterinarian.

Stray. An animal running at large.

Sustenance. Adequate food provided at suitable intervals suitable for the species and age of the animal, sufficient to maintain a reasonable level of nutrition to allow for proper growth and weight, and access to a supply of clean, fresh and potable water provided in a suitable manner for the species.

Training equipment.

- (a) Paraphernalia, pit supplies, implements, programs, drugs or equipment used to train or condition animals to be aggressive towards other animals or human beings; or
- (b) The use of any animal as bait or lure in training dogs for fighting.

Under restraint. An animal shall be deemed under restraint if it is on the premises of its owner or keeper; or is accompanied by its owner or keeper and under the physical control of such owner or keeper by means of a leash or other similar restraining device; or under the active control of the owner or trainer while hunting or being trained, and while on property of the owner or with the property owner's permission.

Ventilation (adequate). Fresh air sufficient to provide for the health of an animal.

Veterinarian. A person who has received a doctor's degree or equivalent in veterinary medicine, and is licensed by the state to diagnose and treat diseases and injuries in animals, and may include veterinary surgery, obstetrics, dentistry, and all other branches or specialties of veterinary medicine.

Veterinary care (adequate). Medical care of an animal from or under the direction of a licensed

veterinarian, and necessary to maintain the animal's health based on its age, species and breed, or to prevent its suffering from:

- (a) Ongoing infections;
- (b) Infestation of parasites;
- (c) Disease;

(d) Any other medical condition/injury, where withholding or neglecting to provide such care would endanger the health or welfare of the animal, or promote the spread of communicable disease.

Water (adequate). Clean, fresh, potable water sufficient to prevent dehydration, properly sustain health, and prevent significant risk to the animal's health. Snow, ice, rancid/contaminated water are not considered adequate water.

Wild animal/wildlife. Any animal indigenous to this state that is not domesticated. Furthermore, all animals commonly accepted as being "wild" and including, but is not limited to, the following, no matter how domesticated they may be:

- (a) Alligators and crocodiles;
- (b) Bears (ursidae);
- (c) Cat family (felidae) that includes, but is not limited to, bobcats, tigers, leopards, lions and panthers, except commonly domesticated cats;
- (d) Coyotes, foxes, wolves, including the offspring of 1 of the foregoing with a domestic dog, wherein the proportion of wild animal exceeds 1/4;
- (e) Porcupine (erethizontiade);
- (f) Non-human primates (hominidae);
- (g) Raccoon (procynmidae);
- (h) Skunks;
- (i) Venomous snakes, constrictor snakes that grow larger than 5 feet in length, or venomous lizards; and
- (j) Weasels (mustelidae), except "European" ferrets.

However, the definition of a *wild animal* shall not be construed to apply to "exotic" birds or animals that are not dangerous to humans and may lawfully be purchased at pet stores or commercial locations, except for those animals specifically mentioned above.

Furthermore, this section shall not apply to domesticated herds of deer, antelope, buffalo or similar herd animals that may be lawfully possessed and are maintained in safe and secure fenced areas for commercial, educational or entertainment purposes, so long as all other provisions concerning humane treatment of animals are complied with.

(1976 Code, § 4-11) (Ord. 301, § 2; Ord. 731, § 2; Ord. 1954, §§ 2, 3, passed 3-21-1989; Ord. 2130, §§ 2, 3, 4(1), passed 6-5-1990; Ord. 4099, § 3, passed 4-3-2007; Ord. 4396, § 3, passed 11-16-2010)

§ 4-12 ANIMAL CONTROL OFFICER'S DUTIES.

(a) *Authority and duties.* The commissioned officers designated by Greenville County with the enforcement of animal control shall have the authority to enforce all applicable laws concerning animal control as set forth by this article and state law, and such additional procedures, duties and responsibilities as the county shall establish. The county, at its discretion, may contract any portion or

all of the enforcement and administration of this article it may deem appropriate. However, nothing herein shall abridge or limit the right and duty of local law enforcement authorities to enforce the provisions of this or any other law concerning animal control to the degree which their training and expertise may allow them to do so.

(b) *Maintenance of records.* The animal control officer shall maintain accurate and complete records relating to the following matters:

(1) Impoundment and disposition of all animals coming into his custody; and

(2) All moneys belonging to the county in his custody and for which he is accountable and subject to audit by the county.

All records shall be open to inspection pursuant to the provisions of the South Carolina Freedom of Information Act, being S.C. Code, Title 30, Ch. 4.

(1976 Code, § 4-12) (Ord. 301, § 3; Ord. 731, § 3; Ord. 2130, §§ 2(1), 4(1), passed 6-5-1990; Ord. 4099, § 3, passed 4-3-2007)

§ 4-13 ANIMAL SHELTER AND DOG OR CAT POUNDS.

(a) *Purpose.* The animal shelter and pounds shall be operated to impound, care for, quarantine, adopt or euthanize dogs or cats held pursuant to this article.

(b) *Operation.* The county may enter into a contract or contracts with the humane society or any similar organization for the operation of the animal shelter, and may contract with municipalities for the use or operation of dog or cat pounds.

(1976 Code, § 4-13) (Ord. 301, § 4; Ord. 414, § 1; Ord. 731, § 4; Ord. 2130, § 2(a), passed 6-5-1990; Ord. 4099, § 3, passed 4-3-2007)

§ 4-14 REQUIRED TO HAVE A RABIES TAG.

(a) The owner or custodian of any dog or cat shall obtain a certificate and tag in accordance with state law. A current rabies license tag shall at all times be attached to a collar or harness worn by the dog or cat for which the rabies certificate and tag have been issued.

(b) Any person who fails to have a current rabies license for their dog or cat shall be subjected to the penalties provided herein.

(c) It shall be unlawful for any person owning, keeping or harboring a licensed dog or cat to cause or allow the licensed animal not to wear the issued rabies license tag.

(d) Any person whose dog or cat is impounded for running at large, and who has failed to obtain a rabies license for the animal as provided for in this article, shall pay a \$50 fee, in addition to all other fees and charges to release the animal from impoundment.

(e) Any violation shall be deemed a violation of this section and the owner shall be subject to a fine of \$50.

(1976 Code, § 4-14) (Ord. 301, § 5; Ord. 731, § 5; Ord. 2130, § 2(a), passed 6-5-1990; Ord. 4099, § 3, passed 4-3-2007)

§ 4-15 IMPOUNDMENT; NOTICE TO OWNERS; RELEASE AND DISPOSITION OF IMPOUNDED DOGS OR CATS.

(a) *Picking up stray and vicious dogs or cats.* The animal control officer is authorized to seize all stray and/or dangerous animals (including but not limited to, dogs or cats running at large), and to take such animals to a designated place of impoundment. Any person on whose property a stray or

dangerous animal is found may seize such animal and deliver it to the designated animal shelter for impoundment, or contact the County Animal Control Division for pickup. The officer, at his discretion, may issue to the known owner of such animal a notice of ordinance violation or an ordinance summons.

(b) *Notice to owners.* Dogs or cats impounded pursuant to this article shall be kept at a designated animal shelter. Upon impoundment of such an animal, the animal control officer shall exercise due diligence to ascertain the owner of such animal. If such owner is discovered or claims such animal within 5 business days of impoundment, the officer or contract impoundment facility shall notify him of the terms for the animal's release.

(c) *Release of impounded dogs or cats.* An original owner may obtain release of his dog or cat impounded pursuant to § 4-15(a) within 5 business days of impoundment, upon payment of a boarding fee per dog or cat, per owner, as listed in the fee schedule below, and an impoundment fee, as hereinafter provided, and upon presentation of a current rabies inoculation certificate.

(d) *Schedule of fees.* Current cost of boarding fee, plus:

- (1) First offense: \$85;
- (2) Second offense: \$90;
- (3) Third offense: \$100;
- (4) Fourth offense: \$150; and
- (5) Fifth or subsequent offense: \$250.

(e) *Period of impoundment and disposition of unclaimed dog or cat.* An impounded dog or cat which remains unclaimed by an owner after 5 business days shall be deemed abandoned, and shall automatically and irrevocably become the sole property of the county to convey, devise, dispose or otherwise destroy as the county sees fit in accordance with this article. Thereafter, such dog or cat may be disposed of humanely or offered for adoption to a suitable home.

The adoption fee for an animal shall be set by the operator of the animal shelter. No dog or cat shall be adopted unless and until it has been neutered or spayed by a veterinarian licensed by the state.

(f) *Disposition of fees.* All fees so collected shall be delivered to the county treasurer for deposit in the general fund of the county.

(1976 Code, § 4-15) (Ord. 731, § 6; Ord. 1645, § 2, 3-3-1987; Ord. 1954, §§ 2-6, passed 3-21-1989; Ord. 2130, § 2(a), passed 6-5-1990; Ord. 4066, § 2, passed 11-21-2006; Ord. 4099, § 3, passed 4-3-2007)

§ 4-16 PROCEDURE IN CASE OF ATTACK BY DOG OR CAT.

If a citizen witnesses a dog or cat attacking a person, he shall notify the rabies control officer in the county health department. Whenever the animal control officer is notified and shown that a dog or cat has bitten or attacked a person, such officer shall promptly notify the county health department of such bite or attack, and shall cooperate with the county health department in impounding and quarantining such animal.

(a) *Seizure provisions in the event of a dog attack of a serious nature.* If he has probable cause to believe that a dog has:

- (1) Killed or inflicted severe injury to a person; or
- (2) Killed or inflicted severe injury upon a domestic animal, horse or livestock, when not on the offending dog's owner's property,

the animal control officer shall have the emergency authority to enter the exterior area of private premises to retrieve the dog. The consent of the animal owner or the lawful occupant of the premises is not required under these circumstances, and it shall be unlawful to resist or interfere with the animal control officer in taking such action.

(b) *Exceptions.* No dog shall be found to be a dangerous animal, if the threat, injury or damage was sustained by a person who was:

(1) Committing, at the time, a crime upon the premises occupied by the dog's owner or custodian; or

(2) Committing, at the time, a willful trespass or other tort upon the premises occupied by the dog's owner or custodian; or

(3) Provoking, tormenting or physically abusing the dog.

(4) No dog that was engaged in the performance of law enforcement duties at the time acts complained of shall be found to be a dangerous dog.

(c) *Notice of hearing.* Upon taking custody of the dog, the animal control officer shall provide to the owner a written notice of the basis for the seizure and impoundment, and shall notify the dog's owner as soon as feasible of the expected hearing date, which shall be no later than next appointed court date from the date of seizure, unless the magistrate shall determine there are compelling reasons to extend the date. Leaving the written notice reasonably secure at the front or primary entrance to the house or structure on the property where the animal is seized shall be sufficient delivery to the owner, if the owner is not present or if the owner's location cannot be determined.

(d) *Magistrates findings.* The magistrate shall determine if the dog is a "dangerous animal" as defined by § 4-11 of this article. If the magistrate determines that the attacking dog is a dangerous animal:

(1) The animal must remain in the custody of and housed by the County Animal Control Division until the owner obtains a license for the dangerous dog from the Animal Control Division. In order to obtain a license, the owner must comply with the following:

a. The owner must demonstrate proof of liability insurance or surety bond of at least \$50,000, insuring or securing the owner for personal injuries inflicted by the dangerous animal; and

b. The Animal Control Division must review and approve a proper enclosure for housing the dangerous animal; or

(2) The animal must be destroyed when, in the court's judgment, the dangerous animal represents a continuing threat of serious harm to human beings or domestic animals

(1976 Code, § 4-16) (Ord. 731, § 7; Ord. 2130, § 2(a), passed 6-5-1990; Ord. 4099, § 3, passed 4-3-2007)

§ 4-17 CONTINUOUS BARKING, CRYING, AND THE LIKE.

(a) *Generally: nuisances within 200 feet of a residence are prohibited.* It shall be unlawful and is hereby declared to be a public nuisance to keep, harbor or maintain any domestic pet which howls, barks, whines or cries to such extent as to materially interfere with or affect the health, comfort, peace and quiet of the public, or the reasonable use and enjoyment of the neighboring properties within 200 feet of a residence in Greenville County.

(b) *Complaints.*

(1) Upon the receipt of 2 detailed, written and signed complaints from separate households in close proximity to the offender, that a person within 200 feet of a residence in Greenville County is

violating the provisions of this section, the animal control officer or other appropriate law enforcement officer shall notify the owner or keeper of the domestic pet in question that complaints have been received and shall investigate the complaints. If the investigation determines that the complaints are justified, the animal control officer or other appropriate law enforcement officer shall notify in writing the owner or keeper of the domestic pet to correct the violation within 7 days of receiving the notice. At least 1 of the complainants shall be required to appear and testify in court at the time the case is scheduled for trial. In the event that none of the complainants appear in court at the time the case is scheduled for trial, the county attorney's office shall dismiss the charges against the owner or keeper of the domestic pet.

(2) In the event that a property is so situated that only 1 complaint is possible within the 200 feet limit, then upon the receipt of 1 detailed, written and signed complaint, a law enforcement officer or animal control officer may witness and validate the complaint. If the complaint is validated by the officer, the animal control department may proceed with the investigation and enforcement of this article as set forth in subsection (1), and the 1 complainant must appear and testify in court at the time the case is scheduled for trial.

(c) *Failure to correct.* Should the owner or keeper of any domestic pet found to be in violation of this section fail to correct said violation after 7 days, the owner of said domestic pet shall be subject to the penalties for violations provided herein, with each day in violation constituting a separate offense.

(d) *Exception.* This section is not applicable to commercial animal boarding facilities in existence prior to March 20, 2001. The exception shall not apply to facilities where the use has been discontinued for a continuous period exceeding 6 months.

(1976 Code, § 4-16.1) (Ord. 2130, § 5, passed 6-5-1990; Ord. 2325, §§ 2, 3, passed 12-3-1991; Ord. 2766, §§ 1, 2, passed 10-3-1995; Ord. 3434, § 1, passed 11-21-2000; Ord. 3457, § 1, passed 3-20-2001; Ord. 3535, § 1, passed 11-6-2001; Ord. 4099, § 3, passed 4-3-2007)

§ 4-18 UNLAWFUL ACTS.

It shall be unlawful in the county for any animal owner or other keeper of an animal to:

- (1) Allow his animal to run at large off property owned, rented or controlled by him;
- (2) Keep a dangerous or vicious animal, unless it is in the proper enclosure for keeping dangerous or vicious animals, and properly licensed and registered with the County Animal Control Division;
- (3) Release or take an animal out of impoundment without proper authority;
- (4) Resist animal shelter personnel engaging in the capture and impoundment of an animal;
- (5) Remove the rabies tag from the dog or cat for which the tag was issued;
- (6) Possess or use apparatus or training equipment to train or condition animals to be aggressive, or to use animals to train other animals to be aggressive;
- (7) Sponsor or participate in animal fighting or baiting, or to be present at a facility where animal fighting or baiting is taking place;
- (8) Keep an animal so confined as to be forced to stand, sit or lie in its own excrement;
- (9) Fail to provide an animal with an exercise area that is a minimum of 24 square feet in area;
- (10) (a) Tether a dog or dogs except when:
 1. Tethered pursuant to requirements of park, camping or recreational areas; or
 2. Tethered while engaged in lawful hunting activities; or

3. Tethered to a running line, pulley or trolley system elevated no higher than 7 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 20 feet in length between the 2 stop points.

(b) 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. Dogs under 3 months of age shall not be connected to a tether or trolley system.

(11) Contain a female domestic animal in heat in such a fashion that stray animals have access to her, or that permits her to escape;

(12) (a) Allow domestic animal feces to accumulate on any property owned, occupied or controlled by such person, if such accumulation creates an unsanitary, offensive or unhealthy condition. This provision shall not apply to horses, cattle, sheep and goats and other grazing animals confined in pastures.

(b) Fail to remove fecal matter deposited by an animal under his or her ownership or control on public or private property of another before leaving the immediate area where the fecal matter was deposited.

(c) Fail to have in his or her immediate possession an appropriately sized bag to be used for removal of the animal feces when accompanying an animal on public property or private property of another.

(d) Deposit animal feces in sewers or drains, whether storm or sanitary. Animal feces must be bagged and placed in a proper garbage receptacle established for public use or belonging to the owner of the animal.

(e) *Exceptions.* Section 4-18(12) shall not apply to a guide, hearing, or service dog or other dog that has been trained to accompany a person with a disability while being accompanied by a disabled person or to any dog or horse in the custody or control of a Law Enforcement Officer during the performance of official duties. The provisions of § 4-18(12) shall not apply in the unzoned areas of the county.

(f) *Penalty.* A violation of § 4-18(12) is subject to a fine of not less than \$75 and not exceeding \$500. Each violation is a separate offense.

(1976 Code, § 4-17) (Ord. 731, § 8; Ord. 2130, § 2(a), passed 6-5-1990; Ord. 4099, § 3, passed 4-3-2007; Ord. 4717, § 2, passed 6-16-2015; Ord. 5022, § 1, passed 10-2-2018)

§ 4-19 CRUELTY TO ANIMALS.

(a) Any person who abuses an animal, aids another person in abusing an animal, or causes or permits an animal to abuse another animal, by acting or failing to act, shall be in violation of this section. Cruelty to an animal includes, but is not limited to, the following:

(1) Failing to provide adequate humane care;

(2) Mistreating animals. No person shall beat, cruelly ill treat, overload, overwork or otherwise abuse an animal, or cause, instigate or permit any dogfight or other combat between animals, or between animals and humans;

(3) Abandoning animals;

(4) Failing to provide adequate shelter, sustenance, space, exercise, bedding, and sanitary conditions for the animal;

(i) *Adequate shelter for an animal other than a dog* means shelter that reasonably may be expected to protect the animal from physical suffering or impairment of health due to exposure to the elements or adverse weather.

(ii) *Adequate shelter for a dog* means a moisture proof and windproof structure of suitable size to accommodate a dog and allow retention of body heat. The structure must be provided with a sufficient quantity of hay, straw, cedar shavings, blankets, or the equivalent, to provide insulation and protection against cold and dampness and promote retention of body heat.

(5) Hoarding or collecting animals;

(6) Owning, managing, obtaining, confining or caring for any number of animals in an animal mill;

(7) Giving away animals for commercial purpose. No person shall give away any live animal as a prize for, or as inducement to enter, any contest, game or other competition, or as an inducement to enter a place of amusement;

(8) Intentionally striking an animal with a motor vehicle. Any person operating a motor vehicle who strikes a domesticated animal, shall report such injury or death to County Animal Control or appropriate law enforcement authority. However, due to the possibility of injury from aiding an injured animal, this provision shall in no way be construed to require or encourage the physical touching of an injured animal by a non-qualified person who strikes a domesticated animal;

(9) Poisoning animals. No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any animal; provided that it shall not be unlawful for a person to expose on his own property common rat or vermin poison for the express purpose of rat or vermin control.

(10) Confinement in motor vehicle. No owner or person shall confine any animal in a motor vehicle in such a manner that places it in a life- or health-threatening situation by exposure to a prolonged period of extreme heat or cold, without proper ventilation or other protection from such heat or cold. In order to protect the health and safety of an animal, an animal control officer, law enforcement officer or agent of the county who has probable cause to believe that this section is being violated shall have authority to enter such motor vehicle by any reasonable means under the circumstances, after making a reasonable effort to locate the owner or other person responsible. If the vehicle is damaged during such removal, the animal control officer, law enforcement officer or agent of the county shall not be liable for any damage to the vehicle.

(b) An animal control officer may move before a magistrate to take custody of any animal being cruelly treated, or the animal control officer, at his option, may elect to direct the owner of the animal to seek immediate veterinary care for the animal, and further may place time conditions upon such actions.

(c) The owner or person having ownership, charge or custody of an animal cruelly abused, treated or used, etc., as enumerated in this section, who is convicted of any violation of this section of the article, forfeits ownership, charge, or custody of the animal, and at the discretion of the court, the person who is convicted of a violation of this section may be ordered to pay costs incurred to care for the animal and related expenses.

(1976 Code, § 4-18) (Ord. 2130, § 6, passed 6-5-1990; Ord. 4099, § 3, passed 4-3-2007; Ord. 4396, § 3, passed 11-16-2010; Ord. 4404, § 3, passed 3-15-2011; Ord. 4969, § 1, passed 3-20-2018)

§ 4-20 KEEPING WILD, DANGEROUS OR VICIOUS ANIMALS.

(a) *Prohibition.* No person shall keep or permit to be kept on his premises any wild, dangerous or vicious animal as a pet, for display or exhibition purposes, without first obtaining a permit therefor.

(b) *Permit applications.* Permit applications must be submitted annually to the animal control office, or its designee(s), on a form approved by the animal control office, which shall state the name, address and telephone number of the applicant; and the breed, sex, color and age of the animals. The applications must be accompanied by a \$50 application fee and a \$10 fee for each animal. The fee will be paid annually each by July 1. No permit shall be granted unless the applicant provides satisfactory assurances that said animal(s) is not capable of being returned to its natural environment (in the case of wild animals); and will be provided with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment; and that the animal(s) will not be cruelly ill treated, tormented, overloaded, overworked or otherwise abused; and that adequate protective devices are provided to prevent it from escaping or injuring the public. The applicant shall further specify the duration, method, location and dimensions of any cages, pens or confinement area. Public or traveling exhibitions of wild or vicious animals shall be subject to random inspection of the premises and the animal(s) possessed, displayed or exhibited. The applicant shall further comply with S.C. Code § 47-3-760(E) prior to the issuance of the permit by the county. No permit shall be issued unless the applicant has complied with all state and federal regulations concerning the possession, display or exhibition of wild or vicious animals. All applicants must be 18 years of age or older.

(c) *Denial or revocation of permit.* The animal control office may decline to grant a permit or may revoke a permit if the annual fees are not paid by July 1, and in the opinion of the animal control officer, said animal(s) is capable of being returned to its natural environment (in the case of wild animals); or has not or will not be provided with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment; or that the animal(s) have been or will be cruelly ill treated, tormented, overloaded, overworked or otherwise abused; or that adequate protective devices are not provided to prevent it from escaping or injuring the public. Upon a determination that a permit should not be granted, all fees shall be returned and a written explanation for the denial shall be thereupon provided. Upon a determination that a permit shall be revoked, no fees shall be returned, but a written explanation for the revocation shall be provided. Any person aggrieved by this section may appeal to the County Administrator who, after due investigation, may modify, overturn or amend the determination of the animal control office. The County Administrator, with the consent of county council, may delegate this appeals review authority to such individuals, entities or organizations, other than the animal control office, which possesses the ability and willingness to handle such reviews. The determination of the Administrator or delegate shall be final.

(d) *Temporary permits.* The animal control office may issue a temporary permit, when appropriate, without a fee, for the keeping, care and protection of an infant animal native to this area, which has been deemed to be orphaned or displaced from its natural environment and is unsuitable for return to the wild, due to its age. An applicant may obtain said permit through verbal or telephonic communication, provided that a written application is submitted and physical examination of the animal by an animal control officer is conducted within 15 days. No permit shall be issued unless state and federal regulations have been fully complied with.

(e) *Release of wild animals held under permit.* The animal control office shall have the power to release or order the release of any infant wild animal kept under temporary permit and deemed capable of survival, and may take custody of any infant wild animal when the applicant is unable to properly care for and protect the animal.

(f) *Euthanasia.* No wild animal will be subject to euthanasia unless, through consultation and cooperation with state wildlife officials, it is determined to be the only humane alternative for said animal. The animal control office and shelter, in cooperation with state wildlife officials, shall exercise due diligence to return a wild animal to its natural environment or, if the animal is not suitable for return, then alternative and humane placement shall be diligently sought.

(g) *Exclusions.* An animal shelter, a publicly owned zoological park, veterinary hospital, public laboratory, publicly owned facility for education, a facility operated for scientific purposes, and all

governmental entities shall be exempt from the requirements of this section. This section shall not apply to the possession of wild animals for motion picture filming where otherwise permitted by law, if reasonable precautions are taken for the safety of the public and welfare of the animal. This section shall not apply to persons raising members of Mustelidae species as a business for pelts.

(1976 Code, § 4-19) (Ord. 2130, § 7, passed 6-5-1990; Ord. 4099, § 3, passed 4-3-2007)

§ 4-21 DEAD ANIMALS.

It shall be unlawful for an owner, caregiver or person possessing an animal to do any of the following:

(a) To put any dead animal or part of the carcass of any dead animal into any lake, river, creek, pond, road, street, alley, lane, lot, field, meadow or common, unless the carcass or parts of the carcass is/are buried at least 4 feet underground.

(b) To allow the carcass of a dead animal to be left unattended and not properly disposed of for more than 48 hours after the animal's death.

(Ord. 4099, § 3, passed 4-3-2007)

§ 4-22 ENFORCEMENT.

(a) *Procedure for search and seizure.* In accordance with the provisions of this article, the animal control officer is authorized and empowered to enter upon the exterior area of private premises (excepting entry into the private areas of buildings, unless in possession of a search warrant) for the purpose of inspecting those premises to determine if the owners of dogs, cats or animals harbored, kept or possessed on the premises have complied with the provisions of this article. For cruelty to animals, ill treatment of animals, the keeping of un-permitted wild or exotic animals, and the seizure of dangerous animals (unless authorized pursuant to § 4-16), the animal control officer shall initiate the procedure for search warrant and seizure in accordance with state law. The animal control officer may pursue any violations of this article which he ascertains as a result of said search or seizure.

(b) *Interference with officer prohibited.* No person shall interfere with, hinder or molest the duly authorized animal control officer of the county in the performance of his duty, or any such agents, or seek to release animals in the custody of the duly authorized animal control officer of the county or any agent of the county, except as provided in this article.

(c) *Enforcement actions against violations.*

(1) At his discretion, an animal control officer may issue a warning citation, or a summons ordinance for a violation of this article, or impound any dog or cat running at large.

(2) In the case of an attack or cruelty to an animal, an animal control officer may take seizure action as specified in this article.

(1976 Code, § 4-20) (Ord. 2130, § 8, passed 6-5-1990; Ord. 4099, § 3, passed 4-3-2007)

§ 4-23 PENALTY.

Any person, firm, corporation or agent, who shall violate the provisions of this article shall be guilty of a misdemeanor, and shall be punished within the jurisdictional limits of magistrate's court. Each such person, firm, corporation or agent shall be deemed guilty of a separate offense for each and every day, or portion thereof, during which any violation of any of the provisions of this article is committed or continued.

(1976 Code, § 4-21) (Ord. 731, § 9; Ord. 2130, § 6, passed 6-5-1990; Ord. 2626, § 3, passed 9-6-1994; Ord. 4099, § 3, passed 4-3-2007)

§ 4-24 MUNICIPALITIES EXCEPTED.

The provisions of this article shall not apply to any dog or cat owned within the confines of any incorporated municipality within the county, unless and until the governing body of a municipality requests in writing that county council include the area of such municipality within the coverage of this article, and county council has acted favorably on such request and has so notified such municipality of its approval of such request.

(1976 Code, § 4-22) (Ord. 731, § 10; Ord. 2130, § 7, passed 6-5-1990; Ord. 4099, § 3, passed 4-3-2007)