

ORDINANCE NO. 05 - 05 - 20

AN ORDINANCE TO ESTABLISH THE RULES AND REGULATIONS FOR THE KEEPING OF PETS AND OTHER ANIMALS IN BERKELEY COUNTY; TO PROVIDE FOR THE TAKING UP AND IMPOUNDING OF PETS AND OTHER ANIMALS IN CERTAIN CASES; TO PROVIDE FOR THE ENFORCEMENT OF THE PROVISIONS OF THIS ORDINANCE AND PENALTIES FOR VIOLATIONS THEREOF; AND TO REPEAL ORDINANCE NUMBERS 93-11-26, 98-3-21 and 02-08-36 IN THEIR ENTIRETY.

WHEREAS, Section 47-3-20 of the Code of Laws of South Carolina, 1976, as amended, grants authority to Berkeley County to enact an ordinance for the control of dogs and other domestic pets and to prescribe penalties for violations thereof; and

WHEREAS, on November 22, 1993, the Berkeley County Council enacted Ordinance No. 93-11-26, known as the "Berkeley County Animal Control Ordinance"; and

WHEREAS, on March 23, 1998, the Berkeley County Council enacted Ordinance No. 98-3-21, to amend Berkeley County Animal Control Ordinance No. 93-11-26, known as the "Wild Animal Ordinance"; and

WHEREAS, the Berkeley County Council believes that it would be in the best interest of the citizens and residents of Berkeley County to further amend the procedure for animal control by adopting the following rules and regulations.

NOW, THEREFORE, BE IT ORDAINED by the County Council of Berkeley County, South Carolina, in a meeting duly assembled:

SECTION ONE
DEFINITIONS

As used in this Ordinance, the following terms mean:

ABANDONMENT: Deserting, forsaking, or intending to give up absolutely an animal without securing another owner or without providing for adequate food, water, shelter, and care. An animal is considered abandoned when it has been left unattended for twenty-four (24) hours.

ANIMAL CONTROL OFFICER: A person employed by the County as an enforcement officer of the provisions of this Ordinance.

ANIMALS: All live vertebrate creatures, either domestic or wild, except *homo sapiens*.

ANIMAL SHELTER: Any place or premises designated by the Berkeley County Council for the care, keeping, impounding, or euthanasia of stray, neglected or abandoned animals.

BUFFER ZONE: A two hundred foot (200) buffer area surrounding the cage, shelter, enclosure or facility which houses a wild animal as defined by this ordinance.

CONFINED: Kept in an enclosure or secured by a leash which shall have a length not less than three times the length of the animal as measured from the tip of the nose to the base of the tail, and which shall be free from obstructions. All domestic animals shall be provided with protection from the elements.

DANGEROUS ANIMAL: Any animal which the owner knows or reasonably should know has a propensity, tendency, or disposition to attack unprovoked, cause injury, or otherwise endanger the safety of human beings or domestic animals; an animal which makes an unprovoked attack that causes bodily injury to a human being and the attack takes place other than the place where the animal is confined; or an animal that commits unprovoked acts in a place other than the place where the animal is confined and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to a human being. A dog will be considered a dangerous animal if it is used as a weapon in the commission of a crime.

DOMESTIC ANIMAL: Owned or stray cats, dogs, ferrets, or other animals for which there exists a rabies vaccine approved by DHEC and licensed by the United States Department of Agriculture.

ENCLOSURE: A building, pen or fenced area or other structure built to prevent intrusion or escape by any animal.

FERAL ANIMALS: An animal that (1) is untamed or wild by nature, or (2) has reverted to a wild state.

HARBORING OR OWNING WILD ANIMALS: Allowing a wild animal as defined by this ordinance to remain, lodge, be fed, or to be given shelter or refuge within a person's home, store, yard, enclosure, outbuilding, abandoned vehicle or building, place of business, or any other premises located in a residential area or in breach of the buffer zone as defined by this ordinance.

INOCULATION AGAINST RABIES: The injection, subcutaneously, intramuscularly, or otherwise, of anti-rabies vaccine as approved by the Department of Health and Environmental Control and by the United States Department of Agriculture, Veterinary Biologics Division, administered by a licensed veterinarian.

LIVESTOCK: Any horse, sheep, beef or dairy cattle, donkey, mule, jack, jennet, burro, goat, pig, domesticated hare, rabbit, or llama.

OWNER: Any person who (1) has a property right in a pet or an animal, (2) keeps or harbors a pet or an animal or who has it in their care or acts as its custodian, or (3) permits a pet or animal to remain on or about any premises occupied by them. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more.

PET: Domestic animals which freely associate and interact with human beings and which are not prohibited by this ordinance to be harbored or owned.

POSITIVELY IDENTIFIABLE ANIMAL: An animal that bears or wears a legible and traceable identification tag, rabies tag, or a microchip identification device.

PUBLIC DISTURBANCE: Any pet or domestic animal that:

- a) Molests passersby or passing vehicles; or
- b) Attacks other animals; or
- c) Trespasses on school grounds; or
- d) Is repeatedly at large; or
- e) Damages private or public property; or
- f) Barks, whines, howls, screeches, or crows in an excessive, continuous or untimely fashion that disturbs the peace of neighbors; or

g) Causes harm to the public's health, safety or well-being.

RESIDENTIAL AREA: Any lot, parcel, site, unit, plot or tract of land containing a residential dwelling and located within one hundred (100) feet outside the boundary of another lot, parcel, site, unit, plot or tract of land which is less than or equal to one (1) acre and contains a wild animal as defined by this ordinance.

RUNNING AT LARGE: A pet or domestic animal which is off the property or premises of the owner or keeper, and which is not under physical control by owner or keeper by means of a leash.

SECURE ENCLOSURE: Shall be any of the following:

(a) A fully fenced pen, kennel or structure that shall remain locked with a padlock or combination lock. Such pen, kennel or structure must have secure sides at least five feet high, and the Animal Control Officer may require a secure top attached to the sides, and a secure bottom or floor attached to the sides of the structure or the sides must be embedded in the ground no less than one foot. The structure must be in compliance with the jurisdiction's building code; or

(b) A house or garage. When dogs are kept inside a house or garage as a secure enclosure, the house or garage shall have latched doors kept in good repair to prevent the accidental escape of the dog. A house, garage, patio, porch or any part of the house or condition of the structure is not a secure enclosure if the structure would allow the dog to exit the structure of its own volition; or

(c) For a dangerous dog, a fully fenced pen, kennel or structure at least six feet in height, installed beneath the ground level or in concrete or pavement, or a fabricated structure to prevent digging under it. The pen, kennel or structure shall include a securely attached roof sufficient to prevent the dog from climbing out. Either enclosure shall be designed to prevent the entry of children or unauthorized persons and to prevent those persons from extending appendages inside the enclosure and be equipped with a self closing and self latching gate. A "Dangerous Dog" sign prescribed by Animal Control must be posted at the entry to the owner or keeper's premises.

STRAY: Any animal running at large without identification.

STRICT VOICE CONTROL: Demonstrable control or governance of the behavior of any animal as if such animal were controlled by a leash. However, when an animal destroys or damages any property, attacks, threatens to attack, or interferes with any person in any manner, becomes a

nuisance, or strays onto the private property of another, there shall be a presumption of law that the animal was not under strict voice control.

UNDER RESTRAINT: When any animal that is off the property of the owner is controlled by a leash; is within the passenger area of a vehicle driven or parked on the streets; is within the property limits of its owner and is confined by fence, chain, or other appropriate measure or attended by its owner and responds to strict voice control; or confined by fence, chain, or other appropriate measure within the property of another with the permission of the person in control of the property.

WILD ANIMAL: The following animals will be considered wild animals for the purposes of this ordinance:

- (a) Bears (*Ursidae*). All bears, including grizzly bears, brown bears, black bears, etc.;
- (b) Cat Family (*Felidae*). All cats except those cats that at their normal adult weight do not weigh greater than thirty pounds (30 lbs.);
- (c) Dog Family (*Canidae*). All canines not able to be vaccinated for rabies because it is prohibited by law or because they do not take the vaccine. Despite the ability to receive vaccinations this definition includes such dogs as a wolf, part wolf, fox, part fox, coyote, and part coyote.
- (d) Raccoons;
- (e) Skunks; and
- (f) Venomous snakes.

SECTION TWO **ANIMAL CARE**

The Animal Control Officer may issue a summons if there is probable cause to believe that a violation of any provision of this section has been committed, including the following violations:

- (A) No person shall abandon an animal or cause an animal to be abandoned.
- (B) No person shall expose any known poisonous substance, whether mixed with food or not, so that the same may be eaten by any animal, provided that it shall not be unlawful for a person to expose on their own property common rat poison mixed according to the manufacturer's recommendations.
- (C) No person shall beat, cruelly treat, torment, overload, overwork, or restrain an animal in any manner which causes injury or otherwise abuse an animal, or cause, instigate, or permit any dogfight, or other combat between animals or between animals and humans.

- (D) No person shall crop a dog's or cat's ears, crop a dog's or cat's tail, or neuter a dog or a cat except a licensed veterinarian who is qualified to perform such operations.
- (E) No owner shall fail to provide treatment or shall deny treatment for any diseased, sick or injured animal.
- (F) Failure or denial of necessary sustenance, such as food in an inadequate amount to sustain flesh or permit normal growth, an inadequate amount of clean water, or water that is sour, filthy, or spoiled.
- (G) Failure or denial of proper confinement, to include removal and disposal of excrement and to keep shelter or confinement area clean, free of unsanitary conditions which results in offensive odors or is dangerous to the animal or to public health, welfare or safety, and free of ticks, fleas, flies, or mosquitoes.
- (H) No person shall tease, bait, or in any way molest any animal.
- (I) Failure or denial to provide shelter for domestic animals, to provide a doghouse or other enclosed structure sufficient to protect the animal from wind, rain, snow, or sun and which has adequate bedding to protect against cold and dampness. In the case of livestock, to provide protection from adverse environmental elements detrimental to the health and well-being of the animal.
- (J) No person shall sell, offer for sale, barter, or give away, any animal, fowl, or reptile that is unweaned.
- (K) No person shall sell, trade, barter, auction, lease, rent, give away, or display for commercial purposes, any live pet, on any roadside, public right-of-way, public property, commercial parking lot or sidewalk, or at any flea market, fair, or carnival.
- (L) Allowing animals to run free, break loose, or escape in any manner.
- (M) No person shall give away any live animal, fish, fowl, reptile or bird as a prize for, or as an inducement to enter any contest, game or other competition, or as an inducement to enter a place of amusement or to enter into any business agreement whereby the offer is for the purpose of attracting trade.
- (N) No person shall sell, trade or give away as a pet any carnivorous animal that is normally not domesticated. Such animals shall include, but not be limited to, animals known to be reservoirs of rabies, such as raccoons, foxes, part foxes, skunks, and bobcats and such related species, including but not limited to, coyotes, part coyotes, wolves, part wolves, weasels, civet cats, spotted skunks, or lynx. A normally wild animal indigenous to this County may, if held captive for a period of time, be released to the wild.
- (O) No owner of any pet or animal shall allow his or her pet or animal to become a public disturbance.

- (P) No person shall keep animals in confinement that is too small either for the animal's size or for the number of animals.
- (Q) No owner shall fail to provide humane care and treatment to pets or animals.

SECTION THREE **INOCULATION AGAINST RABIES**

No person shall own, keep, or harbor any dog or cat within Berkeley County where such dog or cat is older than three (3) months of age unless such animal has been inoculated against rabies as provided herein. A person shall have ten (10) days from the time they acquire a dog or cat three (3) months of age or older to obtain the necessary rabies inoculation.

- (A) The owner of a dog or cat must have it inoculated against rabies at a frequency to provide continuous protection of the animal from rabies using a vaccine approved by the Department of Health and Environmental Control and licensed by the United States Department of Agriculture – Veterinary Biologics Division. Evidence of rabies inoculation is a certificate signed by a licensed veterinarian.
- (B) This Certificate shall be in a form approved by the Department of Health and Environmental Control and will be issued by a licensed veterinarian for each animal stating the name and address of the owner, the name, breed, color and markings, age, sex of animal, the veterinary or pharmaceutical control number of the vaccine, and the name and address of the licensed veterinarian administering the vaccination.
- (C) Coincident with the issuance of the certificate, the licensed veterinarian shall also furnish a serially numbered metal license tag bearing the same number and year as the certificate with the name and telephone number of the veterinarian, veterinary hospital, or practice. 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 has been issued.
- (D) The owner shall have a valid certificate of rabies immunization readily available for inspection by competent authority at all times.
- (E) In the event that a rabies tag is lost, the owner shall obtain a duplicate tag from the issuing veterinarian within ten (10) days from the date of the loss.
- (F) If there is a change in ownership of a dog or cat during the valid period of immunization, the new owner must have the current certificate of immunization transferred to his or her name.
- (G) A certificate of rabies immunization issued by a licensed veterinarian from another state will be accepted as valid evidence provided it is less than one (1) year old.

- (H) An animal found running at large or having no valid rabies inoculation tag shall be impounded by the Animal Control Officer and disposed of after remaining unclaimed for five (5) days, in accordance with the provisions of this ordinance. Animals so impounded may be redeemed only after showing proof of current rabies inoculation or payment for rabies inoculation, and payment for daily boarding costs as provided for below.

SECTION FOUR RESTRAINT

- (A) It shall be unlawful for any owner or custodian of any pet or animal to permit same to run at large at any time upon any street or highway or other property within the County, except property owned or rented by the owner or custodian. Such owner or custodian shall comply with the definition of "under restraint" as defined above.
- (B) No pet or animal shall be permitted to be on school grounds or in a shopping area or similar public places unless on a leash at all times, even if the animal responds to strict voice control.
- (C) The owner shall confine, within a building or secure enclosure, any and all pets or animals that meet the definition of "dangerous animals" and shall not take such pet or animal out of such building or enclosure unless the pet or animal is securely muzzled and under restraint. It shall be further unlawful to keep a dangerous animal in any manner not allowed under Section 47-3-710, et seq., of the Code of Laws of South Carolina Code, 1976, as amended.
- (D) Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding.
- (E) Exempt dogs. No hunting dog is required to be constrained by a leash while it is actually engaged in hunting game during hunting season and while under supervision. As used in this section, "supervision" means that the owner of the hunting dog or his designee is either in the vicinity of the hunting dog or in the process of trying to retrieve the hunting dog.
- (F) Police Dogs: All police dogs and all dogs being trained as police dogs shall be exempt from all provisions of this ordinance, with the exception of Section Three (Inoculation Against Rabies). If a police dog is required by Section Ten (Rabies Control) to be quarantined, such dog will be remanded to the control of its handler. Police dogs so controlled may be used in the line of duty.

SECTION FIVE WILD ANIMALS

- (A) No person shall harbor or own any wild animal within any residential area.

- (B) All residents of Berkeley County who harbor or own wild animals outside of a residential area must also own an area surrounding the animal's cage, shelter, enclosure or facility defined by this ordinance as the buffer zone.
- (C) The following are exempt from the restrictions of subsection (g) above:
- (1) Any facility accredited by the Association of Zoos and Aquariums (AZA);
 - (2) Any research medical institution licensed or accredited by a recognized authority;
 - (3) Educational institutions licensed or accredited by a recognized authority;
 - (4) Clinics operated by licensed veterinarians;
 - (5) Traveling circuses or carnivals;
 - (6) Persons temporarily transporting wild animals through the county provided that the transit time shall not be more than three (3) days;
 - (7) Any facility licensed by the United States Department of Agriculture (USDA) under the Animal Welfare Act; and
 - (8) The Berkeley County Animal Shelter;
 - (9) Cypress Gardens; and
 - (10) Any facility expressly exempted by resolution by Berkeley County Council.
- (D) Any person violating the wild animal provisions of this ordinance is responsible for paying any costs incurred by the Animal Shelter or the Animal Control Department to impound, remove, transport, handle, or house any wild animal owned or harbored in violation of this ordinance.

SECTION SIX **ENFORCEMENT**

- (A) The Animal Control Officers shall respond to complaints regarding pets or animals. Any Animal Control Officer may lawfully take charge of any animal found abandoned, neglected, or cruelly treated or unfit for use. Animal Control Officers are authorized and empowered to follow and/or enter upon any enclosure or lot, public or private, within the county in the quest to seize or impound any animal which the officer has reasonable cause to believe is rabid, abused, neglected or dangerous and to take custody of the animal to achieve the purposes of this ordinance. In the case of an emergency, the Sheriff of the County and/or his deputies shall respond if necessary. The complaint of three (3) or more persons is prima facie evidence that a violation has occurred under this Ordinance.
- (B) When a pet or animal is found in a condition that evidences a violation of any paragraph of this Ordinance, The Animal Control Officer shall issue either a "Notice of Violation" or a "Summons" to its owner, if known. The

Animal Control Officer shall determine whether to issue a "Notice of Violation" or a "Summons" depending on the severity of the violation of this ordinance and the condition of the animal at the time. If issued a "Notice of Violation", the owner shall then have twenty-four (24) hours to correct the violation. If the same violation occurs a second or subsequent time, or if the owner does not correct or remedy the violation within twenty-four (24) hours to the satisfaction of the Animal Control Officer, or if the violation is severe enough, then the Animal Control Officer shall issue a "Summons" to such person and the matter shall be heard before the Magistrate. However, nothing in this paragraph shall limit an Animal Control Officer from taking immediate action as described in paragraph (C) below when it is deemed to be in the best interest of the pet or animal.

- (C) If the owner does not give permission, the Animal Control Officers may obtain a search warrant to enter any premises upon which it is suspected a violation of this Ordinance exists. Once upon the premises, the officers may examine such pet or animal and may take immediate custody of the pet or animal when, in their opinion, it requires removal from the premises. The Animal Control Officer shall thereafter petition the appropriate Magistrate for a hearing, which shall be a civil proceeding. The hearing shall be set not more than ten (10) days from the date of the seizure of the animal to determine whether the owner, if known, is able to adequately provide for the animal and is a fit person to own the animal. The Animal Control Officer shall cause to be served upon the owner, if known and residing within the jurisdiction wherein the animal was found, written notice at least five (5) days prior to the hearing of the time and place of the hearing. If the owner is not known or cannot be found within the jurisdiction wherein the animal was found, the Animal Control Officer shall post a copy of the notice at the property where the animal was seized. The Magistrate shall make the final determination as to whether the animal is returned to the owner or whether title is transferred to the Berkeley County Animal Shelter or to another appropriate entity, whereby the animal may be put up for adoption or destroyed. The pet or animal shall remain in the custody and care of the Animal Shelter or other appropriate entity until such matter is heard before the Magistrate. The court, in determining whether the owner is able to adequately provide for the animal or is a fit person to own the animal, may take into consideration, among other things, the owner's past record of convictions under this chapter, or one similar thereto, and the owner's mental and physical condition. If the Magistrate orders the return of the animal to its owner, the Animal Shelter or other entity shall release the animal upon receipt from the owner of all redemption fees. If the owner does not pay the redemption fees within five (5) days of the Magistrate's Order, the

- animal shall become the property of the Animal Control Shelter or other appropriate entity and may be placed for adoption or euthanized.
- (D) No person shall interfere with, hinder, or molest the Animal Control Officers in the execution of their duties, or seek to release any pet or animal in the custody of the Animal Control Officers except as provided herein. No person shall disturb, tease, or remove any pet or animal from any humane trap set by the Animal Control Department. Any animal in a trap must be reported to the Animal Control Department immediately.
 - (E) An Animal Control Officer shall respond to the complaint of any property owner that a feral animal is trespassing upon his or her property, or to the complaint of any person that a feral animal presents a threat to the public's health and/or safety, and to attempt to capture such animal. If the Animal Control Officer is unable to capture the feral animal or if the animal poses an immediate threat to the safety of a person or domestic animal, the Animal Control Director or his designated agent may humanely dispose of the feral animal.
 - (F) Nothing under this Ordinance shall be construed to limit any person from bringing a private cause of action against the owner of a pet or animal for a violation under the Ordinance.
 - (G) When an animal is found running at large and its ownership is known to an Animal Control Officer, such animal need not be impounded but can be returned to the owner, and the officer may issue a notice of violation or a summons to the owner of such animal to appear before a county magistrate to answer the charges of violation of this article. Upon the seizure of any animal found running at large with a rabies tag or other identification tag, the County Animal Shelter personnel or the Animal Control Officer will attempt to notify the owner or custodian by written notice and/or telephone that the animal is being held at the shelter for disposition. All attempts, and their outcomes, will be recorded on the animal's record card.
 - (H) It shall be unlawful for any person in the county to knowingly and intentionally harbor, feed, keep in possession by confinement, or otherwise, any animal that does not belong to him or her unless they have, within twenty-four (24) hours from the time such animal came into his possession, notified the Animal Control department. Upon receiving such notice, the Animal Control Officer shall take such animal and place it in the animal shelter and shall deal with it as provided in Section Seven of this ordinance. It shall be unlawful for any person to refuse to surrender any such stray animal to the Animal Control Officer, any authorized member of the department or the authorized representative thereof, upon demand of such person.
 - (I) Nothing in this section shall be construed to prohibit the destruction of a critically injured or ill animal or an animal identified as carrying or having an infectious or contagious condition or disease or any unidentified animal

deemed to represent a physical danger to the public, Animal Control, Shelter Staff, or other impounded animals may be humanely euthanized upon agreement by animal control and shelter staff.

- (J) Whenever the Animal Control Officer finds that any animal is or will be without proper care because of injury, illness, incarceration or other involuntary absence of the person responsible for the care of such animal, the Animal Control Officer may impound such animal until reclaimed by its owner. The owner must pay the applicable fees in the same manner as any other owner would redeem an impounded animal prior to the release of such animal by the division. Any animal that has been impounded and not reclaimed for forty-eight (48) hours after the circumstances causing the impoundment have ceased to exist may be disposed of by the animal shelter pursuant to Section Seven. In no event shall the animal shelter be required to board an animal for more than ten (10) days. At such time the animal may be disposed of by the animal shelter pursuant to Section Seven.

SECTION SEVEN

IMPOUNDMENT OF PETS OR DOMESTIC ANIMALS RUNNING AT LARGE

- (A) Any pet or domestic animal running at large or any animal determined to be abandoned may be picked up or trapped, in a humane manner, by an Animal Control Officer and transported to the Berkeley County Animal Shelter and there confined until redeemed or disposed of as hereinafter provided.
- (B) It shall be the duty of the Director of the Berkeley County Animal Shelter to keep accurate and detailed records of seizures and dispositions of all animals coming into their custody. Such records must be kept a minimum of two (2) years.
- (C) Within twenty-four (24) hours after impounding any animal, the Animal Control Officer and/or Animal Shelter personnel shall make a reasonable effort to locate and notify the owner of its impoundment and to inform the owner of the conditions whereby he or she can regain custody of the animal. The Animal Control Officers and/or Animal Shelter personnel shall keep a record of their efforts to locate the owner and of their success or lack thereof in locating same, or shall document the reasons why a search was not made for the owner.
- (D) The Animal Control Officer and/or Animal Shelter personnel may authorize that a rabies vaccine inoculation be administered to any impounded pet that is not wearing a current and valid rabies identification tag at the time of impoundment.
- (E) Any pet or animal impounded with a severe, contagious or life-threatening medical condition may be isolated, treated by a veterinarian, or

- immediately euthanized at the discretion of the Animal Shelter Director, and such medical condition shall be clearly and fully documented in the Animal Shelter's records. In making this decision, the Animal Shelter Director shall take into consideration such factors as: whether an owner will likely be identified for the animal, the value of the animal, the age of the animal, and the cost of providing veterinary care for the animal.
- (F) Pets or animals not redeemed by their owners within fourteen (14) days after notification, or before the expiration of five (5) days in the event of a non-owner identified animal, shall become the property of the Berkeley County Animal Shelter and may be placed for adoption or euthanized at the discretion of Animal Shelter personnel. However, Animal Shelter personnel shall not euthanize any positively identifiable dog, as established by Section 47-3-510 et seq. of the Code of Laws of South Carolina, 1976, as amended, until compliance with Section 47-3-540 has been achieved. For the purposes of this subsection (F), it shall be deemed that the owner is notified when the Animal Control Officer and/or the Animal Shelter personnel sends written notice, postage prepaid, to the best known address of the owner, whether or not the owner actually receives the notice, or when the Animal Control Officer and/or the Animal Shelter personnel makes telephone contact with the owner. Such notification shall at a minimum identify the animal and shall advise the owner that he or she has fourteen (14) days from the date of notification to pay all redemption fees and redeem the animal or the animal shall become the property of the Berkeley County Animal Shelter.
- (G) The only means of disposing of or euthanising an impounded pet or animal shall be by methods set forth in Section 47-3-420 of the Code of Laws of South Carolina, 1976, as amended.
- (H) Animals held pending disposition of a criminal or civil trial or held under quarantine for rabies are not subject to subsection (F) of this Section.

SECTION EIGHT **REDEMPTION**

The owner shall be entitled to resume possession of a positively identifiable impounded pet or animal upon compliance within fourteen (14) days, from the time of notification as set forth in Section Seven, paragraph (F), of all requirements set forth below. If all such requirements are not met within the fourteen (14) day period, the pet or animal shall immediately become the property of the Berkeley County Animal Shelter.

- (A) The owner of an impounded pet or animal must apply for the redemption of the animal by completing a "Redemption Request" form at the Berkeley County Animal Shelter.
- (B) The owner must then identify the animal to the satisfaction of the Director of the Animal Shelter. Identification may be accomplished by giving a

- detailed verbal, written, photographic, or other appropriate description of the animal to the Animal Shelter Staff or by physically viewing the animal.
- (C) If applicable, the owner must further submit proof that the animal has had a current rabies vaccination as required in Section Three or must procure a rabies inoculation from the animal shelter.
- (D) The owner shall pay the redemption fees as set forth by the Berkeley County Supervisor prior to the return of the animal to the owner's custody, including:
- 1) A redemption fee. For each animal that is impounded more than one time within a twelve (12) month period, the redemption fee shall be increased by fifty (50) per cent from the previous redemption fee.
 - 2) A boarding fee. This fee will be charged for each day of impoundment.
 - 3) Rabies inoculation cost. This cost must be paid if an animal was not wearing a current rabies vaccination tag at the time of impoundment and the Animal Control Officer authorized the inoculation of the animal prior to redemption or if the owner cannot show proof of current rabies inoculation.
 - 4) Veterinary costs and/or medically necessary grooming costs if the Animal Shelter incurred any expenses for the medical care of the animal while it was impounded in the custody of the Animal Shelter.
- (E) The animal shall not be released from the Berkeley County Animal Shelter unless authorized by the Animal Control Officer and/or the Director of the Animal Shelter with assurance from the owner that proper care and custody will be maintained.

SECTION NINE

ADOPTION

Any pet or animal impounded under the provisions of this Ordinance shall, at the end of the legal detention period as defined in Section Seven, paragraph (F), shall become the property of the Berkeley County Animal Control, which shall attempt to adopt out the pet or animal to a responsible new owner. The new owner must agree to comply with the provisions of this Ordinance and with any regulations promulgated by the organization charged with operating the Berkeley County Animal Shelter and must pay all required fees at the time of adoption.

SECTION TEN
INJURED OR DEAD ANIMALS

- (A) Anyone who strikes a pet or domestic animal with a motor vehicle or bicycle and injures or kills the animal must immediately notify the Animal Control Department by calling 911 and reporting the accident. The Animal Control Department shall then take the necessary steps to provide for the proper treatment or disposal of the animal.
- (B) The Berkeley County Supervisor is authorized to enter into agreements with licensed veterinarians for the care of such injured pets or domestic animals. If the owner cannot be located, Berkeley County will pay for reasonable expenses incurred.
- (C) Any pet or animal received by a veterinarian or the Animal Shelter in critical condition from wounds, injuries, or disease, may be euthanized at the veterinarian's or Animal Shelter Director's discretion if the owner cannot be contacted within six (6) hours. If the animal is suffering great pain, it may be euthanized immediately.
- (D) The owner of any pet or animal that dies shall immediately provide for its burial, cremation, or other appropriate disposal if he or she knows of its death and the location of its remains. If the owner fails to do so within eight (8) hours, or if the owner cannot be found within eight (8) hours of the animal's death, the owner of the property wherein the animal's remains are first located shall properly dispose of the animal.
- (E) The Berkeley County Animal Control Officers shall collect or cause to be collected all dead domestic animals found on County property or on County roads. If the animal is identifiable, the Animal Control Officers shall attempt to notify the owner of the animal as soon as practical.

SECTION ELEVEN
RABIES CONTROL

- (A) Whenever a pet or other animal is affected by rabies or suspected of being affected by rabies or has been bitten by an animal known or suspected to be affected by rabies, the owner of the animal or any person having knowledge thereof shall forthwith notify the Animal Control Officer and the County Health Department stating precisely where the animal may be found.
- (B) The Animal Control Officer, in conjunction with the County Health Department, shall arrange for the supervised confinement of any pet or other animal that has bitten a person. Such confinement may be on the premises of the owner if the owner will sign an agreement assuming total responsibility for the safe confinement of the pet or other animal. Confinement may be at the Berkeley County Animal Shelter, a private animal shelter, or a veterinary hospital at the owner's option and expense.

- (C) Any pet or other animal that has attacked or bitten a person must be confined for a period of at least ten (10) days. The County Health Department or the Animal Control Officer shall determine whether such animal shows symptoms of rabies. No person shall obstruct or interfere with the Animal Control Officer or the County Health Department in making such examination.
- (D) The County Health Department shall serve notice in writing upon the owner of a pet or other animal known to have been bitten by an animal known or suspected of being affected by rabies requiring the owner to confine such animal for a period of not less than six (6) months, or such animal may be euthanized; except that animals properly treated with anti-rabies vaccine shall be confined for a period of not less than three (3) months.
- (E) No person shall kill or cause to be killed any rabid pet or other rabid animal, or one suspected of having been exposed to rabies or one which has bitten a person, nor remove such pet or animal from the jurisdiction of the County without written permission of the County Health Department. An exception to the preceding requirement is in the event of the possibility of the animal's escape, or if the animal displays aggressive behavior, in which case the animal may be killed (without damaging the head) and the County Health Department shall be notified immediately.
- (F) In the event a suspect non-owner identified animal has bitten a person, the animal shall be seized and the County Health Department contacted for necessary forms and processing. Thereafter, control of this animal shall be the responsibility of the County Health Department, who shall follow State guidelines regulating rabies control.
- (G) Any animal under ten (10) day quarantine for rabies at the Berkeley County Animal Shelter shall not be released unless authorized by the County Health Department.
- (H) Any animal under quarantine is the direct responsibility of the County Health Department unless there is an immediate threat to human health or safety. In such cases, Animal Control Officers shall pick up the animal and quarantine it at the Berkeley County Animal Shelter.
- (I) It shall be the duty of every physician or other practitioner to report to the county public health department or an authorized agent the names and addresses of persons treated for bites inflicted by animals together with such information as will be helpful in rabies control. Any person bitten by an animal must report the bite to the county health department within 24 hours of the incident.
- (J) It shall be the duty of the Animal Control Department to forward a copy of each report involving an animal bite to the county health department within 24 hours of receipt of such report.
- (K) Any animal running at large that has bitten a person shall be picked up by the Animal Control Department and impounded at the Berkeley County

Animal Shelter. The animal will stay in quarantine at the shelter until such time as the County Health Department determines whether to allow the owner, if known, to home quarantine his or her animal. The owner must then comply with Section Seven of this Ordinance.

- (L) Animals that have not been inoculated against rabies shall not be held to be property in any of the courts of the county. This article requires that the metal license tag issued at the time of rabies inoculation of the animal be attached to a collar or harness and worn by the animal at all times. An animal not displaying such a tag shall not be held to be property in any of the courts of the county and may be seized and processed for determination of rabies contamination as prescribed by the health department or county animal control and state law.

SECTION TWELVE
PENALTIES

Any person violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than Five Hundred (\$500.00) Dollars and/or imprisoned for not more than thirty (30) days for each such violation. Each day's violation of any provision of this Ordinance shall constitute a separate offense.

SECTION THIRTEEN
SEVERABILITY

A determination that any portion of this Ordinance is invalid or unenforceable shall not affect the remaining portions.

SECTION FOURTEEN
REPEALER

Ordinances 93-11-26, 98-3-21, and 02-08-36 are hereby repealed in their entirety.

SECTION FOURTEEN
EFFECTIVE DATE

This ordinance shall become effective upon ratification by Council.

ADOPTED this 23rd day of May 2005.


BERKELEY COUNTY, SOUTH CAROLINA

(SEAL)



JAMES W. ROZIER, JR., CHAIRMAN
BERKELEY COUNTY COUNCIL

ATTEST:


Barbara B. Austin
Clerk of County Council

FIRST READING: May 17, 2004
SECOND READING: June 21, 2004
PUBLIC HEARING: July 26, 2004
THIRD READING: May 23, 2005

MEMBERS OF COUNTY COUNCIL

Phillip Farley
PHILLIP FARLEY Voting yes

Dennis L. Fish
DENNIS L. FISH Voting yes

Judith K. Spooner
JUDITH K. SPOONER Voting yes

Excused 5-23-05
JUDY C. MIMS Voting _____

William E. Crosby
WILLIAM E. CROSBY Voting yes

Caldwell Pinckney Jr.
CALDWELL PINCKNEY, JR. Voting yes

Charles E. Davis
CHARLES E. DAVIS Voting YES

Excused 5-23-05
STEVE C. DAVIS Voting _____