

ANIMAL CONTROL CODE

ARTICLE 1—GENERAL PROVISIONS

Part A – Legislative History

§1-101 Authorization.

Council enacts its animal control ordinance and this Code pursuant to the authority the State has granted to counties in Title 47 of the South Carolina Code.

§1-102 Findings and Purposes.

Council finds that the County has limited resources to devote to a multitude of needs, As to animal control needs, Council finds the top priorities are controlling dogs and cats and eliminating any further additions of exotic creatures within the enforcement areas of the County. As a result, the main purposes of this Code are as follows:

1. To control dogs and cats located in the enforcement areas of the County;
2. To eliminate any further additions of exotic creatures within the enforcement areas of the County.

Part B – Other Laws

§1-201 Repeal; Severance.

1. All County ordinances, policies, rules and regulations pertaining to animal control that pre-date November 16, 2009 are repealed.
2. If any Code provision or its application is held to be invalid, such invalidity shall not affect other Code provisions or applications that are valid.

§1-202 Construction With Other Laws.

The Code and the Regulations and Operating Policies shall:

1. Be construed to promote the purposes stated in §1-102 of the Code;
2. Supercede all conflicting, non-mandatory common law, equitable principles, and statutory law of South Carolina to the extent of the conflict;
3. Be supplemented by non-conflicting common law, equitable principles of law and statutory law of South Carolina, unless such supplementation would negate or undermine a purpose stated in §1-102 of the Code.

Part C – Application

§1-301 Application of Code.

Application of the Code varies by time period as follows:

1. As to any matter for which an ordinance summons has been issued prior to the Effective Date, the summons shall be disposed of in accordance with the County's previous animal control ordinance.
2. As to any matter for which a ticket has not yet been issued as of the Effective Date, the

Code shall govern.

Part D – Definitions

§1-401 Definitions.

In this Code, the following words shall have the meanings set forth below, unless (a) a different definition is stated in a particular Article or provision or (b) the context of use clearly requires a different meaning:

1. *Administrator* means the Orangeburg County Administrator.
2. *Abandonment* means leaving an animal without either (a) securing another keeper or (b) providing it with basic necessities.
3. *Animal* means a dog or cat, including domesticated and feral.
4. *Animal control officer or ACO* means a County employee (a) assigned to the Department and (b) duly appointed by Council to enforce this Code. Reference to an ACO shall include reference to the Director.
5. *Animal shelter* means the property the County designates for impounding, caring for, or euthanizing animals that come into the custody of the Department due to enforcement of this Code.
6. *At large* means an animal that is either (a) without a keeper or (b) off its keeper's premises and not under the keeper's restraint.
7. *Basic necessities* means food, water, proper cover from exposure to the elements or adverse weather, grooming and medication in sufficient quantity and quality to meet the relevant animal's health needs. Basic necessities include those items defined in Title 47, Chapter 1 of the State Code as "necessities of life."
8. *Code* means this Orangeburg County Animal Control Code, Articles 1 through 5.
9. *Confine or confinement* means secured indoors or within an enclosed area upon the keeper's property. If invisible fencing is used for this purpose, the invisible fencing must be clearly marked and labeled.
10. *Council* means the Orangeburg County Council, the governing body of the County.
11. *County* means Orangeburg County, South Carolina.
12. *Cruel or inhumane manner* means any one or more of the following:
 - a. A keeper's failure to provide an animal with basic necessities;
 - b. Infliction of unnecessary pain or suffering upon an animal;
 - c. To knowingly or intentionally injure, disable, poison or cruelly kill an animal;
 - d. To torture, torment, or mutilate an animal.
13. *Dangerous* means an animal that evidences an abnormal inclination to attack humans or animals without provocation as set forth in Section 47-3-10 of the State Code. An animal shall not be deemed a dangerous animal solely by reason of its breed.
14. *Diseased animal* means an animal afflicted with a disease that is contagious or may otherwise adversely affect the health of a human or another animal.
15. *Department* means the County Animal Control Department.
16. *Director* means the person holding the position within the County Animal Control Department of Animal Control Director.
17. *Effective date* means November 16, 2009.
18. *Enforcement area* means the unincorporated areas of Orangeburg County, South Carolina

and any municipality within that area that has duly authorized the County to enforce this Code within its municipal boundaries.

19. *Euthanasia, euthanize, or euthanized* mean only the methods of destruction provided by the then-current South Carolina Code for impounded animals.
20. *Exotic creatures* refers to the following creatures:
 - a. *General Description*. Any type of carnivore that, by reason of inherent, natural propensities of the type of creature, poses a threat of serious bodily injury to a human. The test for whether a carnivore poses such a threat is not a subjective test as to the particular creature or the particular circumstance, but is an objective test that is stated as follows: a reasonable person would conclude that the creature poses a threat of serious bodily injury to a human if a human is confined with the type of creature and the creature is unrestrained.
 - b. *Specific Creatures Deemed Exotic*. Exotic creatures is a category that includes, but is not limited to, the following: lions, tigers, cougars, leopards, ocelots, and other wild cats; bears, wolves, coyotes, jackals, and canine hybrids of same; crocodiles, alligators, and similar carnivores; monitors; those types of snakes that fit the foregoing general description of exotic creature; and those creatures which, when in captivity in the United States, have traditionally been confined in zoos.
 - c. *Specific Creatures Exempt from the Category of Exotic Creatures*. Creatures traditionally associated with agriculture in the United States shall not be considered exotic creatures.
21. *Exposure to rabies* means any person or animal which has been bitten by or exposed to any animal known to have been infected with rabies. This determination shall be made by the South Carolina Department of Health and Environmental Control as provided for in state law.
22. *Feed or feeding* means furnishing food or other sustenance essential for an animal's growth, maintenance or survival.
23. *Impound* means the placement by an ACO of an animal into the custody of the animal shelter and the period the animal is held by the animal shelter.
24. *Keeper* means any person who has a right of property in an animal; or keeps or harbors an animal; or has an animal in his/her care; or acts as an animal's custodian, such as providing it with any of the basic necessities; or permits an animal to remain on or about premises the keeper occupies. Keeper shall include the owner of an animal. Keeper shall not include an ACO or any person acting within his/her duties regarding the animal at the animal shelter.
25. *Kennel* means a location for the business of breeding, buying, selling or boarding animals. A cattery shall also be considered a kennel. Kennel does not include a residence where the owner of the residence keeps a pet and may, on rare occasion, breed that pet and sell the offspring.
26. *May* is permissive, not mandatory.
27. *Nuisance* means an animal that disturbs the rights of, threatens the safety of, or damages a member of the general public, or interferes with the ordinary use and enjoyment of their property. Examples of nuisance animals include, but are not limited to the following: a dog that habitually barks excessively or continuously; an animal that habitually attacks other animals; an animal that damages property while on the property of one other than its

- keeper's; or an animal that is repeatedly present on the property of someone other than its keeper's.
28. *Positively identifiable* means an animal that bears the correct and current mailing address information of its most-recent keeper such that an ACO may mail a certified letter to the address to notify the keeper that the animal is impounded.
 29. *Person* means any legal entity including, but not limited, a natural person or individual, an association of same, or a business entity such as a partnership, company, or corporation.
 30. *Proper cover* means any item that provides an animal with both adequate protection from weather and adequate ventilation.
 31. *Public notice* means the distribution or dissemination of information to interested persons using a method reasonably available. At the Director's option, such method may include any one or more of the following: posting on a County-designated website such as the official County website; or posting on a bulletin board in the public area of the animal shelter. Public notice does not replace and is not a substitute for mailing notice to the most-recent keeper of a positively identifiable animal.
 32. *Regulations and Operating Policies* means those duly authorized and established in accordance with the administrative procedure set forth in Article 2 this Code. The Regulations and Operating Policies will describe organizational procedures or practices, clarify or interpret provisions of the Code.
 33. *Restraint* means controlled by one of the following means: a chain, leash or other restraining device; or sufficiently near the keeper to be under the keeper's direct control and obedient to the keeper's commands; or confined on the enclosed property of the keeper or on the enclosed property of another with that other property owner's permission; or confined in a vehicle while the vehicle is being driven.
 34. *Shall* is mandatory, not permissive.
 35. *State* means the State of South Carolina.
 36. *State Code* means Title 47, Chapters 1 (Cruelty to Animals), 2 (Dogs and Other Domestic Pets) and 5 (Rabies Control) of the then-current South Carolina Code.
 37. *Sterilize* an animal means to permanently incapacitate an animal from reproducing.
 38. *Stray* means an animal at large.
 39. *Substantiated report* means
 - a. A written, sworn statement regarding an alleged violation of the Code signed by a person with sufficient personal knowledge of the information necessary to fully support that a particular keeper has engaged in a violation or a violation has occurred; or
 - b. A report from an ACO who has personally witnessed a violation and is willing to testify in court regarding all information necessary to fully support that a particular keeper has engaged in a violation or a violation has occurred.
 40. *Ticket* means either a warning ticket or an ordinance summons.
 41. *Unsubstantiated report* means information received by an ACO of an alleged violation of the Code that does not rise to the minimum level necessary to be categorized as a substantiated report. Examples of unsubstantiated reports would include, but not be limited to, those in which the reporting person desires to remain anonymous, refuses to sign a written, sworn statement, or has insufficient personal knowledge of the information

necessary to fully support that a violation has occurred.

42. *Written or in writing* means the product of any method of forming characters on paper, other materials, or viewable screens, which can be read, retrieved, and reproduced, including information that is electronically transmitted and stored.