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STATE OF SOUTH CAROLINA)
)
COUNTY OF LAURENS)

ORDINANCE #935

**AN ORDINANCE TO REPEAL, RESCIND, AND REPLACE LAURENS COUNTY
ORDINANCE 735; AND OTHER MATTERS APPERTAINING THERETO.**

WHEREAS, Laurens County Council approved Ordinance 735 on May 8, 2012; and

WHEREAS, Laurens County Council believes it to be in the best interest of the citizens of Laurens County to repeal and rescind Ordinance 735 and replace it in its entirety with Ordinance 935.

NOW, THEREFORE, BE IT ORDAINED BY THE LAURENS COUNTY COUNCIL, duly assembled, pursuant to the authority granted by the laws of the State of South Carolina:

1. **FINDINGS AND INTENT.** Laurens County Council finds that there are substantial problems in Laurens County created by feral, stray, dangerous, and nuisance animals. Further, Council finds that these animals create a substantial risk of harm to persons and property. Council further notes that it is empowered to provide for the public safety and health generally of its citizens; to provide penalties for violations, and to regulate animals pursuant to the South Carolina Code of Laws, 1976, as amended. It is the intent of this Ordinance to enact regulations for the control of such animals and provided for animal control officers to implement said regulations. Council directs that the officers enforcing this Ordinance shall use judgment and discretion so that this Ordinance is not enforced in such a manner as to result in destruction of pets or the imposition of penalties for a mere technical violation where the owner is making a reasonable good faith effort to comply with this Ordinance, but rather shall first make a reasonable effort to bring persons into compliance herewith.
2. **DEFINITIONS.**
 - a. *Owner* means any person who has a right of property in an animal, keeps or harbors an animal or has an animal in his care or acts as its custodian, or permits or encourages an animal to remain on or about any premises occupied by said person.
 - b. *Cat* means any animal of the feline family, excluding all customarily regarded non-domesticated felines such as cougars, bobcats, lions, tigers, etc.
 - c. *Animal* means all customarily considered domesticated animals, excluding all customarily considered wildlife.

- d. *Dog* means all animals of the canine family, excluding all customarily regarded non-domestic canines such as coyotes, wolves, wolf hybrids, etc.

- e. *Dangerous animal* means any animal of the canine or feline family evidencing characteristics usually associated with an animal abnormally inclined to attack or attempt to attack persons or other animals without provocation or an animal known to have killed or injured a person or other animals or to be in the habit of same.
- f. *Stray* means an animal that is running at large, off the premises of the owner, and not under the direct control of its owner.
- g. *Abandoned or feral animal* means a stray animal that does not display a valid rabies tag as required and/or a metal tag giving the name and address of the owner.
- h. *Nuisance animal* means a stray animal that chases after persons or vehicles; destroys or damages property, including specifically other animals) of persons other than its owner; or prevents or interferes with a property owner's reasonable use and enjoyment of the owner's property.
- i. *Carnivore* means a flesh-eating animal and includes those animals known to be reservoirs of rabies, including, but not limited to, raccoons, foxes, skunks, bobcats, and related species, including, but not limited to, coyotes, wolves, wolf dogs, weasels, civet cats, spotted skunks, and lynx, or the offspring born to any combinations of crossbreeding between these wild animals and domestic dogs or cats.

3. ANIMAL CONTROL OFFICERS, POWERS AND DUTIES.

- a. The Laurens County Sheriff is hereby authorized and directed to employ an Animal Control Deputy(s) and such assistants as may from time to time be authorized.
- b. Such Deputies shall have such powers as are reasonably necessary to carry out the provisions of this Ordinance, including, but not limited to, patrolling Laurens County; impounding stray, nuisance, or dangerous animals; operating an Animal Shelter; disposing of such animals by sale, gift, or euthanasia in accordance with the South Carolina Code of Laws, 1976, as amended; and prosecuting violations of this Ordinance.
- c. The Laurens County Sheriff is authorized to contract (for period of not more than one (1) year) with municipalities or private persons/organizations concerning the operations of the Animal Shelter. **All contracts shall be reviewed by the Legal Department before signing.**
- d. The Laurens County Sheriff and/or Deputies are authorized to enforce this Ordinance and prosecute violators and seize animals for impoundment by the Animal Control Deputy(s).

4. EVIDENCE OF RABIES INNOCULATION REQUIREMENTS. A valid metal rabies tag must be attached to a collar or harness and worn by dogs and cats at all times when outside the owner's home. This rabies tag must have been issued by a licensed veterinarian. Every owner is encouraged to assure that an identification tag or plate is also securely attached to their dog's or cat's collar or harness. The tag or plate shall clearly indicate the name and address of the owner and should be worn by the animal at all times when outside the owner's home. Dogs and cats without such rabies tags may be picked up by an Animal Control Officer and taken to the Animal Shelter for further disposition as abandoned animals.

5. HUMANE ANIMAL CARE. No person shall fail to provide any animal under his/her care with sufficient food, water, proper shelter, protection from the weather, and humane care and treatment, including, but not limited to, veterinary care to alleviate pain or suffering of the animal.

6. OBLIGATIONS AND VIOLATIONS.

- a. The owner of every animal or pet within Laurens County shall keep such animal or pet under reasonable control and restraint at all times. A female dog in heat must be confined within an enclosed

- building, except to use the bathroom or regular exercise, during such time attached to a leash being physically held by a human so as to prevent accidental breeding.
- b. It shall be unlawful for any owner or keeper of any animal or pet, or any other person, where applicable, to:
 - i. Not keep such an animal under reasonable control or restraint at all times, or allow such animal or pet to run at large off of property owned, rented, or controlled by such owner. This provision shall not apply to any hunting or working dog while actually engaged in any hunting or training or working exercises, so long as such dog does not do injury to persons or domestic animals or poets or livestock.
 - ii. Release or take out of impoundment without proper authority any animal or pet.
 - iii. Allow their animal or pet to become a nuisance or to run free off the owner's property without reasonable restraint and control by the owner or caretaker.
 - iv. Interfere with, hinder, or molest any Deputy or designee in the performance of any duty authorized by this Ordinance.
 - v. Abandon or maltreat such animal or pet.
 - vi. Allow a female pet in season (in heat) to violate the provisions of this Ordinance.
 - c. No person shall:
 - i. Own, possess, keep, or train any animal with the intent that such animal shall be engaged in an exhibit of fighting.
 - ii. Build, make, maintain, or keep a pit owned by him/her or on land occupied or controlled by him/her, or allow a pit to be built, made, maintained, or kept on such premises for the purpose of any exhibit of animal fighting.
 - iii. In any manner encourage, instigate, promote, or assist in an exhibition of animal fighting.
 - iv. Charge admission, be an assistant, umpire, participate, or be present as a spectator to any exhibition of animal fighting.
 - d. Any Deputy or designee may impound any animal found to be maltreated.
 - e. No carnivores which are both normally not domesticated and not native or indigenous to the State of South Carolina may be owned, possess, harbored, or kept in any manner in Laurens County, except pursuant to a permit issued by the Laurens County Sheriff's Office Animal Control Division ("Animal Control") or pursuant to a Class A, B, or C license issued by the United States Department of Agriculture under 7 USC 2131-2157 and 7 CFR 2.17, 2.51, and 371.2(g) authorizing operation as a breeder, dealer, exhibitor, or operator of an auction sale; or as otherwise provided by state law, including, but not limited to, § 50-11-2400 et seq, South Carolina Code of Laws, 1976, as amended. Such permits issued by Animal Control may be issued for valid zoological parks; for transit circuses, carnivals, fairs, and the like; or for research or breeding by governmental or educational agencies or institutions or their agents, all as established to the satisfaction of Animal Control, subject to review by the Laurens County Sheriff. Any application for such permit, other than one issued pursuant to or specifically exempted by 7 USC 2131-2157 or by state law for the possession or ownership of such animals in Laurens County, or issued to governmental or educational agencies or institutions must be accompanied by proof of liability insurance of at least fifty thousand dollars (\$50,000.00) insuring the owner, custodian, or other keeper of such carnivore for personal injuries inflicted by the carnivore controlled pursuant to this section, which must be maintained in force, effective throughout the permit period.
 - f. No person:
 - i. Owning or harboring or having the care or the custody of a dangerous animal may permit the animal to go unconfined on his/her premises. A dangerous animal is unconfined, as used in this section, if the animal is not confined securely indoors or confined in a securely enclosed and locked pen or run area upon the person's premises. The pen or run area also must have either six-foot (6')

- sides or a secure top. If the pen or secure structure has no bottom secured to the sides, the sides must be embedded into the ground at a depth of no less than one foot (1'). However, this section does not apply to a licensed security company's animal on patrol in a confined area.
- ii. Any animal that escapes its enclosure, is allowed to run free, or by any other means is not confined to its owner's property and while on the owner's property, does cause damage to another person or their property, to include animals, pets, livestock, etc., is guilty of a misdemeanor and will be fined as allowed in this Ordinance.
 - iii. Owning or harboring or having the care of a dangerous animal or potentially dangerous animal may permit animal to go beyond his/her premises unless the animal is muzzled securely and restrained with a chain having a minimum tensile strength of three hundred (300) pounds and not exceeding three feet (3') in length.
 - iv. May train, torment, badger, bait, or use an animal for the purpose of causing or encouraging the animal to unprovoked attacks upon human beings, domestic animals, or livestock.
 - v. May possess with intent to sell, offer for sale, breed, buy, or attempt to buy a dangerous animal.
 - vi. May own or harbor a dangerous animal without registering the animal with Animal Control.
 - vii. All dangerous animals must be registered with Animal Control, and a registration fee is to be paid by the owner of such an animal at the time of registration in the amount of \$25.00, which funds will be used to purchase tags, forms, and other necessary supplies for registration of dangerous animals.
- g. If a dog must be restrained by means other than a fence or other humane enclosure, a tethering system must be used which meets the following criteria:
- i. The tether must be at least fifteen feet (15') in length.
 - ii. The weight of the tether must not exceed ten percent (10%) of the weight of the dog.
 - iii. The tether must have swivels on both ends and allow the dog to have highest degree of movement practicable without becoming entangled; three hundred sixty degrees (360°) is ideal. This is best accomplished by using a single stake system with swivel on top to allow the dog free movement. A second option is to have the dog tether, with swivels, attached to a trolley system that allows the dog to move freely along the runner line. The trolley system must be at least three feet (3') above the ground.
 - iv. The tether must allow the dog free access to food, water, and shelter.
 - v. The tether must be attached to a properly fitting collar or harness such that there is no harm to the dog.
 - vi. The use of pinch collars, choke collars, or chain directly around the dog's neck is prohibited.
 - vii. A female dog in heat must be confined within an enclosed building, except to use the bathroom or regular exercise, during such time attached to a leash being physically held by a human so as to prevent accidental breeding.
 - viii. Dogs under six (6) months of age or that are sick or in distress are not to be tethered.
 - ix. If more than one (1) dog is tethered in the same area, they must be separated to prevent entanglement.
 - x. Dogs are not to be tethered to abandoned buildings or other objects not on the owner's property.

7. PROCEDURES FOLLOWED BY OFFICERS.

- a. The policies and provisions of this Ordinance will be carried out and enforced by Animal Control with the assistance of such others as from time to time may assist Animal Control, who have authority to enforce this Ordinance both in their right and as designees of Animal Control, including, but not limited to, the Laurens County Health Department, Laurens County Magistrates, and other commissioned officers of Laurens County. No Laurens County Sheriff's Office employee or their

designee enforcing the provisions of this Ordinance or other law enforcement officers solicited for help by such employee or designee or acting in their own stead in enforcing the terms and provisions of this Ordinance shall be personally liable for damage in the discharge of such duties.

- b. The Laurens County Animal Shelter referred to in this Ordinance was established by Laurens County as a division of Laurens County Public Works and, in 2020, was transferred to the Laurens County Sheriff's Office. The policies and procedures developed by the Sheriff's Office for the Animal Shelter are subject to the approval of the Laurens County Sheriff.
- c. The employees of the Laurens County Sheriff's Office or their designees or law enforcement officers assisting such employees or their designees may impound animals/pets found in violation of this Ordinance and may issue uniform summonses to the owner(s) or custodian(s) of such animals/pets for violations of this Ordinance.
- d. Upon receipt of a complaint alleging a violation of this Ordinance, the Laurens County Sheriff's Office shall investigate and, upon personal observation of a violation of this Ordinance by a Deputy, upon receipt of sufficient credible fresh evidence of a violation, including, but not limited to, statements of eyewitnesses, Deputies may, unless clearly physically or legally impractical or impossible, impound or attempt to impound. By humane means, and transport to the Laurens County Animal Shelter any nuisance, abandoned, stray, maltreated animal or pet, or any animal or pet running at large, or unconfined female pet in season (in heat) or any dog unlawfully tethered in violation of this Ordinance and shall issue a uniform summons for violation of this Ordinance to the owner or custodian of such animal or pet unless the violation at the discretion of the Deputy is satisfied by a warning pursuant section e, below.
- e. As an alternative to impounding an animal running at large, or a nuisance or stray animal or pet, or an unconfined female pet in season (in heat), or unlawfully tethered in violation of this Ordinance (application to dogs only) and concomitant issuance of a uniform summons, a Deputy who is able to determine ownership of said animal or pet may issued to said owner a written warning of violation of this Ordinance or a civil citation (summons) for violation of this Ordinance, along with instructions as to the provisions for confinement or restraint for such animal or pet. Not more than one (1) warning may be issued to any one owner for any given type of violation. All subsequent violations of this Ordinance falling within this provision shall result in the issuance of a uniform summons for the violations.
- f. Any carnivore owned, possessed, harbored, or kept in any manner in Laurens County in violation of this Ordinance shall be confiscated by a Laurens County Deputy or his designee or other law enforcement officer requested to assist such Deputy or designee and be either euthanized or released to the wild or otherwise humanely disposed of at the discretion of Animal Control based on the circumstances of each given situation and any applicable law.
- g. Dangerous animals owned, possessed, or maintained in violation of this Ordinance shall be seized and impounded by a Deputy or designee or other law enforcement officer assisting such Deputy or designee pursuant to this Ordinance.
- h. Animals or pets impounded pursuant to this Ordinance shall remain impounded at the Laurens County Animal Shelter for a period of at least three (3) working days by Animal Control personnel, except in the case of identifiable animals or pets not appearing to be abandoned, which shall be kept for at least two (2) weeks after notification of the owner by telephone, certified mail, or, if notification cannot be made, for a total of twenty-one (21) days, whichever is greater. Thereafter, such animal or pet shall become the property of the Laurens County Animal Shelter upon the opening of the Animal Shelter at the beginning of business on the first business day after such waiting period(s) has expired. The Animal Shelter will dispose of such animal or pet in the most efficient, human, and practical manner depending upon the circumstances of each particular situation and applicable law. Any animal or pet impounded pursuant to this Ordinance may be provided necessary veterinary treatment at the expense

of the owner, if known. Any owner or custodian wishing to have their animal or pet released from the Animal Shelter shall be required to pay a fee set by the Laurens County Sheriff from time to time per day for each day or portion thereof that the animal or pet is boarded by Laurens County in the Animal Shelter, actual cost of inoculation of the animal or pet, if applicable, actual veterinary treatment costs, any applicable shelter fees or costs pursuant to the shelter policies, and an additional impoundment fee, in addition to any other monetary penalties imposed for violation of this Ordinance. It shall be incumbent upon any owner or custodian of an impounded animal or pet to produce or demonstrate to the Animal Shelter personnel sufficient proof of current and valid inoculation for such animal or pet prior to the release of such animal or pet from the Animal Shelter. Alternatively, shelter personnel may inoculate such animal at the expense of the owner or custodian prior to releasing the animal or pet. In addition to all other provisions of this Ordinance, any agent or officer of the Department of Health and Environment Control ("DHEC") or police officer or officer of the South Carolina Society for the Prevention of Cruelty to Animals or any society duly incorporated for that purpose, or any Deputy may lawfully destroy or cause to be destroyed any animal found abandoned and not properly cared for, appearing to be glandered, injured, or diseased past recovery for any useful purpose in accordance with § 47-1-80, South Carolina Code of Laws, 1976, as amended. Further, any other pet or animal received by such agents or officers in critical condition from wounds, injuries, or disease may, if in their opinion it is in the best interest of the animal or pet, be lawfully destroyed as prescribed by law, if the owner cannot be contacted in a timely manner, so as to reduce undue suffering to the animal or pet.

8. DEAD ANIMALS. The owner of any animal or the owner of the property where any stray animal may die shall dispose of the animal by burial or cremation as soon as practical after death of the animal is known to the owner. Failure to dispose of an animal within eight (8) hours of demand by the Animal Control Officer shall be a violation of this Ordinance.
9. UNLAWFUL TO ABANDON ANIMALS. No person shall abandon or set at large to roam free any animal without providing for its humane care as required by this Ordinance. Doing so shall be a violation of this Ordinance, and each animal shall constitute a separate violation.
10. PENALTIES. Any person, firm, corporation, or agent violating the provisions of this Ordinance or any section thereof shall be guilty of a misdemeanor, and upon conviction shall be punished as follows:
 - a. Whenever in this Ordinance any act is prohibited or is declared to be unlawful, the violation of any section of this Ordinance shall be subject to a minimum fine in the amount of fifty dollars (\$50.00) for each offense or the maximum penalty in the amount of five hundred dollars (\$500.00) for a 1st offense, seven hundred fifty dollars (\$750.00) for a 2nd offense, and one thousand five hundred dollars (\$1,500.00) for a 3rd or subsequent offense and/or thirty (30) days in the Laurens County Detention Center, or the maximum penalties authorized for the Magistrate's Court of the State of South Carolina.
 - b. Each day any violation of this Ordinance shall continue shall constitute as separate offense.
11. AUTHORITY. This Ordinance is adopted under the authority and process expressly granted by the General Assembly of the State of South Carolina and the Constitution of the State. Jurisdiction is exclusively within Laurens County.
12. APPLICABILITY. The provisions of this Ordinance shall apply to all unincorporated areas of Laurens County.

13. LANGUAGE. The language used in the amendment, if used in the present tense, shall include the future tense. Words used in the singular shall include the plural, and the plural the singular, unless, however, the context clearly indicates the contrary. The use of the word “shall” is mandatory and the word “may” is permissive.
14. SEVERABILITY. Should any paragraph, clause, phrase, or provision of this Ordinance be judged invalid or held unconstitutional by a Court of competent jurisdiction, such declaration shall not affect the validity of any other section of the Ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional. Interpretations shall be pursuant to the laws of the State of South Carolina.
15. GENERAL PROVISIONS. Whenever the provisions of this Ordinance impose a more restrictive standard than are required in or under any other law, regulation, or ordinance, the requirements herein contained shall prevail. This Ordinance may be amended as prescribed by law.
16. EFFECTIVE DATE. This Ordinance shall take effect after a public hearing and third reading.

(Signature page follows)

AND IT IS SO ORDAINED this _____ day of _____, 2022.

LAURENS COUNTY COUNCIL:

W. Brown Patterson, Jr., Council Chairman

ATTEST:

Jeffrey Carroll, Council Vice Chairman

Thomas R. Higgs, II, Administrator
Laurens County, South Carolina

Diane B. Anderson, Council Member

Shirley H. Clark, Council Member

Cheyenne G. Noffz, Clerk
Laurens County Council
Laurens County, South Carolina

Kemp Younts, Council Member

David Tribble, Jr., Council Member

Luke S. Rankin, Council Member

First Reading: November 8, 2022
Second Reading: November 22, 2022
Third Reading: December 13, 2022
Public Hearing: December 13, 2022

VOTE: _____

FOR AGAINST ABSTAIN ABSENT

Patterson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carroll	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anderson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clark	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Younts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tribble	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rankin	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

APPROVED AS TO FORM:

A. "Sandy" Cruickshanks, IV
Laurens County Attorney