

**STATE OF SOUTH CAROLINA  
COUNTY OF GREENWOOD**

ORDINANCE NO. 2021-17

AN ORDINANCE AMENDING TITLE 11, CHAPTER 1 OF THE GREENWOOD COUNTY CODE TO ESTABLISH MINIMUM STANDARDS FOR THE CARE AND KEEPING OF DOMESTIC DOGS, LICENSING REQUIREMENTS FOR DOG BREEDERS, AND OTHER MATTERS RELATED THERETO.

WHEREAS, the Greenwood County Council has the authority, pursuant to Title 4, Chapter 9 of the South Carolina Code of Laws to establish laws providing for the public health, welfare, peace and safety of the citizens of Greenwood County; and

WHEREAS, the Greenwood County Council recognizes that dogs have historically been a favorite pet of mankind. An obedient, trained and supervised dog, cared for by its owners, is an asset to its owners and neighbors. However, dogs whose owners make inadequate provisions for proper restraint and care often roam the properties of neighbors, destroy property, endanger other domesticated animals as well as humans, and disturb the peace. Such dogs often pose a danger and nuisance to the community, and attempting to control the problem presents a strain on community resources; and

WHEREAS, in an effort to reduce the negative effects of irresponsible pet ownership upon the community, the Greenwood County Council desires to enact minimum standards for the restraint, care, and breeding of dogs;

NOW, THEREFORE, Greenwood County, by and through the Greenwood County Council, in a meeting duly assembled, hereby ordains as follows:

**Section 1. Definitions and Application**

A. For the purposes of this article, the following terms, phrases, or words shall have the meanings stated herein unless their use in the text of this article clearly demonstrates a different meaning.

Adequate shelter: Shelter which will keep a non-aquatic animal dry, and is constructed in a way to protect the animal from extreme weather. The shelter shall be free of accumulated waste and debris so that the animal shall be free to walk or lie down without coming in contact with waste or debris; shall be free of unsanitary conditions, and shall be as free of ticks and fleas as possible. A suitable method of drainage shall be provided to rapidly eliminate any excess water or moisture.

Animal: all vertebrate creatures, domestic or wild. All pets are animals, but not all animals are pets.

Dangerous Animal: An animal:

1. which the owners know 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; or
2. Which:
  - a. makes an unprovoked attack that causes bodily injury to a human being and the attack occurs in a place other than where the animal is confined as required pursuant to this Ordinance; or
  - b. commits unprovoked acts in a place other than where the animal is confined as required pursuant to this Ordinance, and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to a human being; or
  - c. which is owned or harbored primarily or in part for the purpose of fighting or which is trained for fighting;
  - d. "Bodily injury" is defined for the purposes of this Ordinance as (1) broken bones, (2) lacerations, (3) punctures of the skin, or (4) any physical injury resulting in death.
3. "Dangerous animal" does not include:
  - a. An animal used exclusively for agricultural purposes;
  - b. An animal which attacks a person who is trespassing or who appears to be trespassing. A trespasser is a person who is not lawfully upon the premises pursuant to S.C. Code Ann. § 47-3-770(A);
  - c. Any animal solely by virtue of its breed or species.

Owner: means a person who has property rights in an animal, has custody or control of the animal, keeps or harbors an animal, or acts as an animal's custodian. A person caring for community cats shall not be considered the owner of those cats.

Community cat: any free-roaming cat, which may or may not be feral, with a caretaker known or unknown. Community cats shall be distinguished from other cats through their ear-tip and sterilization. These cats are exempt from stray and at-large provisions of this ordinance.

Pet: any animal which may legally be held as a pet by private citizens without special permit or permission required.

Unattended: outside the care, custody, or control of the owner, handler, caretaker, or other responsible party.

B. This Ordinance is not intended to restrict the use and management of fowl, cattle, horses, goats, sheep, or other species typically raised in an agricultural setting, so long as those animals are treated in a manner consistent with generally accepted animal husbandry or agricultural practices. This Ordinance is not intended to restrict the training of animals, so long as those animals being trained are treated in a manner consistent with generally accepted

training practices. This Ordinance is not intended to regulate the practice of veterinary medicine, and is not intended to regulate wildlife management practices.

## **Section 2. Neglect of Animal**

An owner shall be guilty of neglect of an animal for any of the following offenses:

1. Failure to provide treatment, or denial of treatment, for any diseased, sick or injured animal.
2. Failure to provide, or denial of, proper confinement, failure to remove excrement and keep shelter or confinement area clean and as free of insects as possible.
3. Failure to provide, or denial of, food in an adequate amount to sustain flesh or permit normal growth and an adequate amount of clean potable water.
4. Leaving an animal outside in a kennel which is commonly used for temporary transportation or indoor use. This does not include crate training or keeping of an animal in a kennel in a climate controlled environment. An indoor or climate controlled crate or kennel must be maintained in a sanitary and safe way to prevent the animal from injuring itself or being required to stand in filth. The animal must be allowed time out of the kennel for exercise daily.
5. Leaving or confining an animal in any unattended motor vehicle under such conditions that would endanger the health or well-being of the animal due to heat, cold, or lack of adequate ventilation, or any circumstance that could reasonably be expected to cause suffering, disability, or death to the animal. Officers may issue a summons pursuant to this subsection if they find any animal left unattended in an inadequately heated, cooled, or ventilated vehicle for fifteen (15) minutes or more.
6. Failure by an owner to keep secure a female dog or cat in heat, so that the female will be protected from breeding attempts by males of the species which are unknown by or unwanted by the owner of female.
7. Inappropriate restraining of an unattended dog by tethering the dog:
  - a. by a tether less than ten feet in length or less than four times the length of the dog's body from tip of the nose to the base of the tail, whichever is greater;
  - b. using a logging chain, tow chain, or other tether that weighs more than one-eighth of the dog's body weight or which causes injury to the dog;
  - c. by attaching a tether to the dog by a collar that is of a material not designed as a dog collar, that is ill fitting, or by means of a choke, pinch, prong, or chain collar;
  - d. by attaching a tether that does not have workable swivels on both ends to prevent twisting and tangling; or
  - e. by attaching a tether in an area likely to cause injury or pain to the dog because of entanglement or because of surrounding structures, example such as placing the tether too close to an already established fence allowing for the dog to go under or over the fence and become stuck or hung by the attached tether.
8. Failure to provide adequate shelter for a dog as described herein. For dogs outside and unattended as defined herein, adequate shelter shall meet the following minimum standards:

- a. The shelter shall be a structure of suitable size to accommodate the dog and allow retention of body heat. It shall be made of durable material with a solid floor raised from the ground, with the ability to drain or wick liquids from the floor, and the roof should repel the elements.
- b. The structure alone is not sufficient at times to provide heat for some breeds of dogs. Breed-appropriate bedding of a suitable clean and dry material and/or a heat source must be provided safely. The heat source such as bedding, heat lamp and/or heating pad must be installed properly and maintained in the safest manner possible to prevent injury to the dog.
- c. A plastic barrel can only be used as a doghouse if fixed in a way to prevent the barrel from moving or rolling.
- d. All dogs must be afforded one or more areas of shade large enough to accommodate the entire body of the dog at one time to ensure protection from the direct rays of the sun at all daylight hours. A doghouse alone is inadequate protection from the sun.

### **Section 3. Impoundment of Animal Found Neglected**

In the event that an Animal Control Officer and/or Law Enforcement Officer discover a neglected animal as outlined above, the animal may be seized and taken to the Greenwood County Animal Shelter ("Shelter"). Notice will be left at the property if the owner is not present at the time of seizure. The animal will be held at the Shelter for five days or until an owner comes forth to claim the animal, whichever is earlier.

If an owner comes forward in the five days he/she will be issued a summons for the violation found which led to the seizure. The animal will be kept at the Shelter until the initial hearing of the case in magistrate court; the hearing will be to determine whether the animal may return home with the owner or must remain in the care of the Shelter pending trial of the matter. Thereafter, the magistrate court will schedule the criminal trial. If the subject is found guilty of the violation the animal may be forfeit and the subject will be responsible for any fees incurred during this time, as well as penalties as provided in Section 8. If the subject is found not guilty the animal will be returned to the owner upon the owner's payment of only the applicable microchip and rabies cost as specified in Section 6.

### **Section 4. Redemption of Animals**

When Animal Control Officers and/or any Law Enforcement Officer bring in an animal, found running off the owner's property, to the Greenwood County Animal Shelter, the animal may be reclaimed by the owner only when the following fees and criteria have been met:

- a. The owner must present proof that the animal has a current rabies vaccination and/or pay to have the animal vaccinated by a participating licensed veterinarian.
- b. The owner must agree to have the animal microchipped prior to the animal leaving the facility.

- c. Fees for boarding and care must be paid in full prior to the release of the animal.
- d. No impounded pet may be redeemed without having been surgically sterilized, unless the owner pays the appropriate redemption fee as outlined below. If the animal was not sterilized prior to impoundment, the owner may have it sterilized at the Shelter and pay the appropriate fee. The fee shall not exceed the fee charged by the shelter for the sterilization of an animal prior to adoption. If the owner elects to not have the animal sterilized, he/she must pay a redemption fee of \$200.00 to redeem the pet intact. If an intact pet comes to be impounded for a second or subsequent time in a fiscal year, the intact redemption fee shall be \$400.00. The owner may arrange for the pet to be sterilized by a veterinarian of the owner's choosing, and the owner must pay all costs of such sterilization. If the owner chooses this method, the shelter and/or their representatives will transport the pet to the veterinarian for sterilization. If the owner wishes to use a non-local veterinarian for the procedure, the owner will be responsible for paying any costs for transportation of the animal prior to the animal going to their chosen veterinarian. The owner must provide proof of sterilization to the Shelter prior to obtaining custody of the animal.

When the owner of a pet is notified by phone, in person, or by certified mail that their pet has been brought to the animal shelter by Animal Control and/or Law Enforcement, the owner has 14 (fourteen) calendar days to pay the fees to reclaim the animal. This notification if done in person or by phone must be documented. If the owner does not pay the fees in full by close of business on the 14th calendar day, the animal will become property of the Greenwood County Animal Shelter.

If an animal brought into the animal shelter has no identification, and the owner is not known, it will be assumed stray and will be held 5 (five) calendar days prior to becoming property of the Animal Shelter.

### **Section 5. Animal Surrender**

Any person wishing to surrender an animal to the Animal Shelter shall pay a fee to the Animal Shelter. Said fee is to be established annually in Greenwood County's Fee Schedule. A person wishing to surrender puppies or kittens to the Animal Shelter may opt to have the dam spayed at the time of surrender, in lieu of paying the surrender fee for each puppy or kitten surrendered. The cost of the spay shall be the financial responsibility of the person surrendering the puppies or kittens.

### **Section 6. Fees**

For the remainder of fiscal year 2022, the following fees shall apply to the boarding, care, and breeding of animals:

Animal control fee (1st time)	\$25
Animal control fee (each subsequent impoundment per fiscal year)	\$35 X number of impoundments in the fiscal year
Impound fee	\$10
Microchip implant	\$25
Rabies vaccination	\$12
Boarding fee (per day)	\$20
Surrender fee (per animal)	\$35
Spay/neuter fee	\$100/animal
Commercial breeder license fee	\$100/year
Dangerous animal registration fee	\$200/animal
Intact animal fee	Varies per occurrence

County Council may change these fees each year during the annual budget process or by resolution, and publish the new fee in the Fee Schedule.

### **Section 7. Dog Breeding**

It shall be unlawful for a commercial dog breeder to fail to obtain a county commercial dog breeder license. The requirements for such a license are as follows:

1. Individuals engaged or intending to engage in breeding as a business, occupation, or profession must obtain a commercial dog breeder license from Animal Control. For the purposes of this Section, "engag(ed) in breeding as a business, occupation, or profession" means having at least one (1) unaltered female dog on a premises and producing at least one (1) litter of puppies to sale for profit within a twelve (12) month period.
2. First time applicants must provide proof that all dogs at least four (4) months of age and older on the breeder's premises have received a rabies vaccination.
3. Animal Control, through its Animal Control Officers, shall conduct an inspection of a prospective breeder's property prior to issuing a license.
4. During an inspection, an Animal Control Officer will be looking for the following:
  - a. The enclosure where the dogs are being kept should be constructed in such a manner that any dogs housed there will be adequately and comfortably kept in any season of the year.
  - b. The location of all dog enclosures should be in such a position so that it can be easily cleaned and sanitized. Any kennels or yards that are connected or are

used to confine the dogs must be kept clean and free from accumulations of feces, filth, mud and debris.

- c. Every dog on the premises should have constant access to a clean and fresh water supply. All dogs must also have an adequate amount of appropriate food to maintain each dog's normal condition of health.
  - d. The premises must be set up in such a manner as to prevent the public and stray animals from obtaining entrance into or gaining contact with any breeding pairs, unaltered females, and litters intended for sale.
5. A license will not be issued to an applicant that has pled no contest, or has been found to have violated any federal, state, or local laws or regulations pertaining to animal cruelty within (5) years of the date of application.
  6. License registration should be made prior to any litter being delivered. Failure to timely register under this ordinance may result in additional penalties.
  7. A commercial dog breeder license is not transferrable to another person or location.
  8. The inspection fee for a county commercial dog breeder license shall be established annually in the Greenwood County Fee Schedule. The license shall expire one year after the date of issue.
  9. All commercial dog breeding facilities are subject to inspection by Animal Control at any time, but no less than once annually.
  10. Any violations found under the provisions of this Chapter shall be grounds for the suspension of the commercial dog breeder license if deemed necessary by the Animal Control Department. Reinstatement shall be determined on a case by case basis.
  11. The commercial dog breeder license of any licensee whose license has been suspended shall remain inactive and all breeding shall cease until the license has been reinstated or a new license is issued.

### **Section 8. Dangerous Animal Registry**

1. Pursuant to S.C. Code Ann. § 47-3-760(E), there is created the Greenwood County Dangerous Animal Registry.
2. An owner whose animal is a Dangerous Animal pursuant to this Chapter shall be required to register that animal annually with Animal Control. The registration fee shall be set forth in the County's Fee Schedule. In addition to paying a fee, the owner must also provide proof of liability insurance, or post a \$50,000 surety bond insuring or securing the owner for personal injuries inflicted by the Dangerous Animal.
3. Animal Control and/or any interested law enforcement officer may petition the Magistrate's Court to declare an animal a Dangerous Animal as defined in this Chapter. If the Magistrate determines that the animal is dangerous after a hearing, the Magistrate shall order the animal be placed on the Dangerous Animal Registry, in addition to any other remedies available under state law.
4. Animal Control shall provide an owner of a Dangerous Animal a metal license tag and a certificate. The metal license tag must be affixed at all times to the Dangerous Animal's collar or harness.
5. Any owner of a Dangerous Animal already known to Greenwood County Animal Control

as of the effective date of this Ordinance shall be required to register their animal pursuant to this section. However, the owner shall not be required to pay the annual registration fee for that particular animal.

6. Nothing in this Section shall be construed to alter or change the requirements of Title 47, Article 13 of the South Carolina Code of Laws. All requirements and fees provided for herein are in addition and supplemental to the requirements of state law.

### **Section 9. Penalties**

1. A violation of Ordinance shall be punishable by a civil fine of not less than \$250 per offense. Each day of violation shall constitute a separate offense. Any fines imposed are in addition to the fees set forth in any other section of this Ordinance.
2. In the event of an emergency in Greenwood County which results in a significant number of pets becoming loose or otherwise in need of care, the County Manager is empowered to waive any fees or processes associated with owners redeeming impacted pets.

### **Section 10. Repealer**

All prior ordinances and resolutions inconsistent herewith are repealed, to the extent of such inconsistency only.