

Animal Control Committee Reports To City Council

October 3, 2005

The City of Aiken faces a very serious stray animal problem, with an estimated 14,000 dogs and cats, and growing.

Animal Control Officer Jeff Wilson impounded almost 1,000 stray cats and dogs from city streets last year, and the SPCA reports that over 1,100 animals will have to be euthanised this year.

A review committee of professionals in the field was formed last year to advise City Council. The group studied the problem and looked at other cities that have faced up to this sad reality. They presented their findings at the Sept. 13th City Council meeting, and first reading of an ordinance drawn up from their findings is on the agenda for the first meeting in October.

A prime recommendation is that the annual registration fee for un sterilized animals should be "significantly higher" than the one-time cost of sterilization, and that sterilized animals be registered for just \$5, creating a clear financial incentive.

A second major provision of the recommendations is to give the Aiken Department of Public Safety inspection powers when officers have reason to believe that animals are being abused. Any property holding four or more cats or dogs would be designated a kennel, and Public Safety would have the power to regulate and inspect kennels in the city.

The proposed ordinance is not meant to interfere in the lives of people who love having several animals for pets, or who enjoy breeding them for show or for hunting. To aid police however it would require them to pay a little more money to be able to pursue their hobbies in the city limits.

The need to have the inspection provision in the ordinance will give Public Safety the authority to inspect the premises where they suspect animal abuse.

Other ideas still under study include sponsoring spay/neuter drives in lower-income neighborhoods, establishing a high volume clinic that could perform the operations less expensively and giving incentives to people to have a microchip imbedded under the pet's skin so that it can be easily identified and its inoculation records can be verified.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 8 OF THE CITY CODE OF AIKEN, SOUTH CAROLINA REGARDING ANIMAL LICENSING AND OTHER ISSUES

WHEREAS, the City of Aiken has established as a priority updating the City Animal Control Ordinance and the reduction of animal over-population with the City, as such is in the best interests of the general health, safety and welfare of the city and its citizens; and

WHEREAS, a differential licensing structure is an effective means by which to address and control animal over-population, provided that the fees to license a sterilized animal are significantly less than the fees to license a fertile animal; and

WHEREAS, the City of Aiken has in force a differential licensing procedure but the fee structure is not sufficiently divergent so as to accomplish the required result; and

WHEREAS, the Council of the City of Aiken has concluded that the adoption of the proposed amendments to Chapter 8 of the City Code of Aiken, South Carolina is essential to the general health, safety and welfare of the City and is in the best interests of its citizens;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF AIKEN HEREBY ORDAINS THAT:

Section 1: Chapter 8, Aiken City Code is hereby revised in the particulars shown in bold and underlined as set forth on Exhibit 'A' attached and incorporated by reference.

Provided, however, that no fee for any city pet tag shall be collected for sterilized pets from the date of the enactment of this ordinance to June 30, 2006.

Section 2: In all other respects, Chapter 8, Aiken City Code shall remain in full force and effect. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent necessary to give the provisions of this Ordinance full force and effect.

Section 3: In the event any provision of this Ordinance, or any part thereof, or any application thereof to any person or circumstance, is for any reason held to be unconstitutional or otherwise invalid or ineffective by any court of competent jurisdiction on its face or as applied, such holding shall not affect the validity or effectiveness or any of the remaining provisions of this Ordinance, or any part thereof, or any application thereof to any person or circumstance. It is hereby declared to be in the legislative intent of the City that this Ordinance would have been adopted had such unconstitutional, invalid or ineffective provisions not been included herein.

Section 4: This Ordinance shall be effective upon adoption by the Council of the City of Aiken.

ADOPTED by the Council of the City of Aiken at regular meeting held this 24th day of October, 2005, at which a quorum was present and voting.

INTRODUCTION AND FIRST READING: October 10, 2005

SECOND READING AND ADOPTION: October 24, 2005

CITY OF AIKEN, SOUTH
CAROLINA

By: Fred B. Cavanaugh

Its: Mayor

APPROVED:

By: Richard L. Pearce

Its: City Staff Attorney

ATTEST:

By: Sara B. Ridout

Its: City Clerk

EXHIBIT 'A'

Chapter 8

ANIMALS*

- Sec. 8-1. Designation.
- Sec. 8-2. Definitions.
- Sec. 8-3. City tags generally; fees; special provisions.
- Sec. 8-4. Vicious animal.
- Sec. 8-5. Restraint of dogs and at-large dogs.
- Sec. 8-6. Sanitation.
- Sec. 8-7. Impoundment.
- Sec. 8-8. Nuisance animals.
- Sec. 8-9. Injured or diseased animals.
- Sec. 8-10. Animal bites and quarantine of animals.
- Sec. 8-11. Emergency rabies proclamations and orders.
- Sec. 8-12. Keeping of fowl.
- Sec. 8-13. Keeping of swine prohibited.
- Sec. 8-14. Hitching, grazing or running at-large of livestock in streets or parks.
- Sec. 8-15. City-designated bird sanctuary.
- Sec. 8-16. Hunting, killing, etc., birds, fowl or squirrels.
- Sec. 8-17. Interference with animal control officers.
- Sec. 8-18. Minimum fine.
- Sec. 8-19. Penalties.

***Cross references:** Riding, driving or parking vehicles or animals in parks, § 26-3.

State law references: Animals, livestock and poultry, S.C. Code 1976, title 47; dogs and other domestic pets, S.C. Code 1976, § 47-3-10 et seq.

Sec. 8-1. Designation.

This chapter may be cited as the animal control ordinance.

(Code 1980, § 5-1)

Sec. 8-2. Definitions.

Whenever used in this chapter, unless a different intention clearly appears from the context, the following words and phrases shall have the following meanings:

Animal means all mammals, fowl, and reptiles, but shall not include homo sapiens.

Animal at-large means an animal not under the restraint and control of its owner as required by the provisions of this chapter and off the owner's premises.

Animal control officer means any person designated by the city manager to enforce the city animal control program and the provisions of this chapter.

Animal control shelter means any premises designated by the city for the purpose of impounding and caring for animals pursuant to this chapter.

Animal control superintendent means the person designated by the city manager to administer the animal control program and the provisions of this chapter.

City tag means the license tag issued by the city for a pet.

Dog means all members of the canine family.

Exotic Animals means that those members of class mammalian and class reptilian, including, but not limited to:

Class Mammalia

(a) Order Artiodactyla (hippopotamuses, giraffes, camels, deer, not cattle or swine or sheep or goats)

(b) Order Carnivora

i. Family Felidae (lions, tigers, cougars, leopards, ocelots, servals, not domestic cats)

ii. Family Canidae (wolves, coyotes, foxes, jackals, not domestic dogs)

iii. Family Ursidae (all bears)

iv. Family Mustelidae (weasels, skunks, martins, minks, not ferrets)

- v. Family Procyonidae (raccoons, coatis)
 - vi. Family Hyaenidae (hyenas)
 - vii. Family Viverridae (civets, genets, mongooses, binturongs)
- (c) Order Edentata (anteaters, armadillos, sloths)
 - (d) Order Marsupialia (opossums, kangaroos, wallabies, sugar gliders)
 - (e) Order Perissodactyla (rhinoceroses, tapirs, not horses or donkeys or mules)
 - (f) Order Primates (lemurs, monkeys, chimpanzees, gorillas)
 - (g) Order Proboscidea (elephants)
 - (h) Order Rodentia (squirrels, beavers, porcupines, prairie dogs, not guinea pigs, or rats, or mice, or gerbils, or hamsters)

Class Reptilia

- (a) Order Squamata
 - i. Family Varanidae (only water monitors and crocodile monitors)
 - ii. Family Iguanidae (only green iguanas and rock iguanas)
 - iii. Family Boidae (all species whose adult length has the potential to exceed eight (8) feet in length)
 - iv. Family Colubridae (only boomslangs and African twig snakes)
 - v. Family Elapidae (such as coral snakes, cobras, mambas, etc.) – All species
 - vi. Family Natricidae (only keelback snakes)
 - vii. Family Viperidae (such as copperheads, cottonmouths, rattlesnakes, etc.) – All species
- (b) Order Crocodylia (such as crocodiles, alligators, caimans, gavials, etc.) – All species

Fowl means any of various birds of the order Galliformes, including but not limited to, chickens, geese, ducks, turkeys, and guineas.

Identified Hybrid means any wild animal crossbred to domestic dogs and cats.

Kennel means the premises at which four (4) or more dogs, four (4) or more cats, or four (4) or more animals of the same species over one (1) year of age are housed. For purposes hereof, the following shall not be deemed kennels: zoological parks, veterinary hospitals, public laboratories, publicly owned or operated facilities for

research and education, all government entities, and duly qualified 501(c)(3) organizations who operate a facility primarily for the rescue and care of stray and abandoned animals.

Owner means any person temporarily or permanently owning, keeping, possessing, caring for or harboring an animal or acting as custodian of an animal.

Owner's premises means lands and buildings owned, leased or regularly occupied by the owner of an animal.

Pet means dogs, cats and domesticated species of carnivores.

Rabies certificate means the written certificate in a form prepared and issued by the state department of health and environmental control signed by a licensed veterinarian as proof of inoculation against rabies provided for by the laws of this state.

Rabies control officer means such officer as defined or provided for by the laws of this state.

Rabies tag means the license tag issued by a licensed veterinarian as proof of inoculation against rabies provided for by the laws of this state.

Vicious animal means any animal:

(1) With a ~~known~~ propensity, tendency, or disposition to attack unprovoked, to cause injury,

or to otherwise endanger the safety of human beings or domestic animals;

(2) That attacks a human being or domestic animals without provocation; or

(3) That is owned or harbored primarily or in part for the purpose of fighting or that is

trained for fighting.

(4) ~~Any animal~~ Whose behavior, temperament, or size constitutes a risk of injury to a person;

~~captured and/or from~~ another animal.

(5) Evidencing an abnormal inclination to attack persons or other animals.

(Code 1980, § 5-2)

Cross references: Definitions generally, § 1-2.

Sec. 8-3. City tags generally; fees; special provisions.

(a) The owner of any pet over six months of age must obtain and provide the pet with a current city tag. To qualify for a city tag, the owner of the pet must ~~present~~ give

proof of a current rabies tag and certificate showing that pet has been inoculated against rabies by a licensed veterinarian as required by the laws of this state **provided, however, that for any exotic animals or identified hybrids for which rabies inoculations are prohibited under South Carolina law, a current rabies tag or certificate shall not be required.** Any pet owner who moves into the city for the purpose of establishing temporary or permanent residency or acquires a pet **spends more than 45 calendar days in a given year in the Aiken city limits** shall have 30 days therefrom in which **from July 1** to obtain a city tag. No person may use any city tag for any pet other than the pet for which it was issued.

~~(b) The city tag fee for each fertile pet shall be \$15.00 per year. The city tag fee for each sterilized pet shall be \$5.00 per year. City tags shall be required annually and shall expire on June 30 of each year. The fee for tags purchased after July 15 shall be prorated on a monthly basis. If the owner of a pet fails to obtain a city tag in violation of this chapter, the owner shall be required to pay an additional fee of \$15.00 to obtain a city tag. A duplicate city tag may be obtained upon payment of a \$1.00 replacement fee.~~

(b) The city tag fee for each fertile pet shall be \$100.00 per year. The city tag fee for each sterilized pet shall be \$5.00 per year. City tags shall be required annually and shall expire on June 30 of each year. The fee for tags purchased after July 15 shall be prorated on a monthly basis. It shall be unlawful for an owner of a pet to fail to obtain a city tag in violation of this chapter and any violation shall be subject to the penalties as set forth in Section 1-13 and Section 8-19; provided, however, that in the event that the owner of a fertile pet, within thirty (30) days of being given notice of a first violation hereunder has such animal sterilized and provides written proof from the veterinarian performing the procedure, then the maximum fine shall be \$25.00. A duplicate city tag may be obtained upon payment of a \$1.00 replacement fee.

(c) Any owner of a pet who can furnish a written certification from a licensed veterinarian that the pet, due to health reasons, could not withstand spay or neuter surgery shall be exempt from paying the higher city tag fee for fertile pets and is not required to have the pet spayed or neutered. **Pet owners shall be so notified of this provision in the annual pet license renewal notices given by the City. The City will maintain these written certifications in its pet tag reports.**

(d) Any handicapped owner of a dog which is used by the owner as an aid for seeing, hearing, or other physical purposes and which is specially trained for such purposes by a recognized service organization shall be required to obtain a city tag, but shall be exempt from paying the tag fee.

~~(e) Any identified hybrid (wild animal crossbred to domestic dogs and cats) or exotic mammals, the possession of which is not prohibited by applicable federal or state laws or regulations, that is prohibited from rabies inoculation pursuant to the laws of this state, shall not be required to obtain a city tag, but the owner of the animal shall provide the animal control superintendent with a certificate of~~

~~identification from a licensed veterinarian identifying the mammal, its owner and its location in the city within 30 days of acquiring or bringing the mammal into the city.~~

(f) ~~(e)~~ The city tag issued for a dog shall be attached to a collar or harness and worn by the dog at all times, except as provided as follows:

(1) While within the confines of the walls of a building or a completely and securely fenced-in yard area on the owner's premises, a dog is not required to wear a harness or collar with city tag attached, but the owner shall have the rabies tag and city tag available and immediately produce them upon request of an animal control officer, rabies control officer or public safety officer.

(2) A hunting or stock dog and show dog, while being worked, conditioned, groomed and/or shown under the direct control of its owner, is not required to wear the city tag while engaged in such activities, but the owner shall have the city tag and rabies tag available at the site of such activity for inspection and immediately produce them upon request of an animal control officer, rabies control officer or public safety officer.

~~(g) Cats are not required to have the city tag attached to a collar or harness worn by them, but the owner shall have the city tag available and immediately produce it upon request of an animal control officer, rabies control officer, or public safety officer.~~

(f) A kennel license must be obtained for every kennel. A kennel license shall also be required to be obtained for any location which houses an Exotic Animal, Vicious Animal, or an identified hybrid. The kennel license shall be \$25.00 per year and shall be required in addition to the city tag set forth in Section 8-3(a) above. Kennel licenses shall be required annually and shall expire on June 30 of each year. The fee for licenses purchased after July 15 shall be prorated on a monthly basis. Authorized agents of the City are empowered to enter upon the premises of any Kennel subject to this ordinance and to make inspections and it shall be unlawful for any such person to fail or refuse to permit inspection.

(g) All fees set forth in Section 8-3(b) and (f) are hereby waived for any and all hunting and/or sport dogs which are members of a sporting pack registered with a nationally recognized hunting association. For purposes of this Chapter, all such animals are still subject to the city tag registration and kennel license but said fees shall be waived at the time that the application is submitted provided that its Owner can present proof at the time of submission of the city tag application and the kennel license, as applicable that these dog(s) are members of a qualifying hunting pack.

(Code 1980, §§ 5-3--5-6)

State law references: Pets to be inoculated, S.C. Code 1976, § 47-5-60.

Sec. 8-4. Vicious animal.

(a) It shall be unlawful for the owner of a vicious animal to permit the animal to leave a securely enclosed and confined area located on the owner's premises, unless the animal is securely muzzled and leashed or securely enclosed and confined in a cage or similar container so that it may be controlled by the owner.

(b) When a person has ~~knowledge that~~ an animal ~~that~~ is a vicious, it shall be unlawful for that person to fail to report the animal to an animal control officer, or city public safety officer.

(c) Any person convicted of ~~an second~~ offense of this section ~~for the same animal~~ shall **have the animal spayed and neutered by a date specified by the presiding judge and, in the discretion of the court,** forfeit all right, title, and interest in the animal, and an animal control officer, upon order of the court **specifying a date for compliance,** shall euthanize the animal or have the animal euthanized.

(d) The provisions of this section shall not apply to guard dogs owned and used exclusively by licensed security services or dogs used by law enforcement agencies.

(Code 1980, § 5-7)

State law references: Regulation of dangerous animals, S.C. Code 1976, § 47-3-710 et seq.

Sec. 8-5. Restraint of dogs and at-large dogs.

(a) All dogs shall be kept under restraints at all times by their owners while within the city and off the owner's premises. The owner of a dog, when taking it off the owner's premises, must restrain the dog by placing it in a secure enclosure or by securely restraining it on a leash under the physical control of the owner. It shall be unlawful for the owner to fail to so restrain a dog while off the owner's premises. A dog off the owner's premises and not restrained as required by this section shall be deemed to be an animal at-large.

(b) Dogs that are participating in or training for hunting events, obedience trials, conformation shows, tracking tests, herding trials, terrier trials, or lure courses under the direct control of their owner shall not be considered animals at-large and are exempt from the requirements of subsection (a) of this section.

(c) Any owner whose dog is found at-large within the city shall forfeit all right, title, interest and ownership in the dog subject to the procedures in this chapter.

(Code 1980, § 5-8)

State law references: Authority of city to prohibit running at large, S.C. Code 1976, § 47-5-210 **3-50**.

Sec. 8-6. Sanitation.

The owner of every pet shall be responsible for the immediate removal of all excretions deposited by the pet at any place off the owner's premises.

(Code 1980, § 5-9)

Sec. 8-7. Impoundment.

(a) Animals whose owners are in violation of this chapter shall be taken into custody by an animal control officer or public safety officer and impounded in the animal control shelter.

(b) Animals whose owners are known shall be held at the animal control shelter for ten business days, unless released earlier to the owner. The animal control officer shall notify the owner that unless the animal is claimed within such time, it may be euthanized or released for adoption through an approved agency. If the animal control officer cannot contact the owner in person or by telephone within 24 hours of the animal's impoundment, a notification letter shall be sent by certified mail to the last known address, if any, of the owner.

(c) Animals whose owners are not known shall be held at the animal control shelter for **five calendar** ~~three~~ days and, if unclaimed, the animal control officer may euthanize such animals or release them for adoption through an approved agency.

(d) An animal may be released from impoundment after payment by the owner of all fees; verification of a current rabies inoculation; and presentation of a valid city tag. Before an animal is released from impoundment, the owner of the animal must pay the city the currently required fee for each impoundment. In addition to impoundment fees, the owner shall pay the per diem board fee established or approved by the city. There will be an additional impoundment fee for female pets in heat. The owner shall be responsible for all fees whether the animal is reclaimed or not; and it shall be unlawful for the owner to fail to pay such fees.

(Code 1980, § 5-10) (**Section 47-3-60, S.C. Code Ann (Supp.)**)

Sec. 8-8. Nuisance animals.

The action of an animal constitutes a public nuisance under this section when it disturbs the rights, threatens the safety, or damages a member of the general public, or interferes with the ordinary use and enjoyment of his property or public property or areas. It shall be unlawful for any person to own, keep, possess or maintain an animal in such a manner as to constitute or allow it to become a public nuisance. In addition, the following acts or actions by an owner of any animal are hereby declared to be a public nuisance under this section and to be unlawful:

(1) Failure to exercise sufficient restraint necessary to control an animal as required by the provisions of this chapter.

(2) Allowing or permitting an animal to damage the property of anyone other than its owner, including, but not limited to, turning over garbage containers or damaging vegetation.

(3) Maintaining a vicious animal.

(4) Maintaining animals in unsanitary conditions which result in offensive odors or are dangerous to the animal or the public health, welfare, or safety.

(5) Maintaining his premises or other property in a manner that is offensive, annoying or dangerous to the health, safety or welfare of the public because of the number, density, or location of the animals on the owner's premises or other property.

(6) Allowing or permitting an animal to bark, whine, howl, yowl, crow, or cackle continuously for ten minutes or longer, or make other noise in such a manner so as to result in a serious annoyance or interference with the reasonable use and enjoyment of adjoining or nearby properties.

(7) Keeping an animal that is diseased and dangerous to public health.

(8) Keeping an animal that habitually or repeatedly chases, snaps at, attacks or barks at pedestrians, bicycles, or vehicles.

(9) Failing to confine or control a female pet in heat in such a manner as not to create a nuisance by attracting other animals.

(Code 1980, § 5-11)

Sec. 8-9. Injured or diseased animals.

It shall be unlawful for any person accidentally or otherwise to strike an animal with a vehicle or other instrument, injure the animal, and leave the scene of the incident without immediately notifying an animal control officer, public safety officer, or other official of the city. Any animal received by the animal control shelter in critical condition from wounds, injuries or disease may be destroyed if the owner cannot be located within two hours of receipt of the animal at the shelter. If the animal is in severe pain, it may be euthanized immediately, at the discretion of the animal control superintendent or an animal control officer.

(Code 1980, § 5-12)

Sec. 8-10. Animal bites and quarantine of animals.

(a) The breaking of skin of a human being by an animal shall be considered an animal bite case. All animal bite cases shall be reported to an animal control officer, public safety officer or other official of the city, by anyone having knowledge thereof. During nonbusiness hours, the report shall be made to the 911 emergency center. The animal bite report shall be made as soon as possible, and in no case more than 24 hours

after bite. Animal control officers shall assist in making animal bite reports, but the initial responsibility is that of the owner of the animal involved or believed to be involved and the person bitten to report the incident to the city. It shall be unlawful for an animal owner or the person bitten to fail to make the report required by this section.

(b) The owner of any animal that has physical contact with a suspected rabid wild animal shall promptly notify the city of the incident.

(c) Any animal which has bitten a human being or is suspected of being rabid shall be quarantined by the city for at least ten days, and no such animal shall be released from quarantine or euthanized until the animal has been examined by a licensed veterinarian or rabies control officer and determined not to have symptoms of rabies. The rabies control officer is authorized to require that the animal be quarantined at the animal control shelter, or may, at the request of the animal owner, allow the animal to be quarantined in a facility operated by a licensed veterinarian. The owner is responsible for all board and veterinary medical costs incurred during the quarantine. The animal may be quarantined at the owner's residence at the discretion of the rabies control officer.

(Code 1980, § 5-14)

State law references: Reports of animal bits required, S.C. Code 1976, § 47-5-90.

Sec. 8-11. Emergency rabies proclamations and orders.

(a) City council is hereby granted within the city limits all the powers conferred on county boards of health by S.C. Code 1976, § 47-5-120.

(b) From and after the publication of the proclamation as provided for in this section, it shall be unlawful for any person owning or having the custody or control of any dog within the city to allow such dog to run at-large within the city limits at any time during the period covered by the proclamation. Each day that any dog shall be allowed to run at-large during the period prohibited in such proclamation shall constitute a separate offense.

(c) During any period covered by a proclamation for this section, any dog found running at-large in the city may be euthanized.

(Code 1980, § 5-15)

State law references: Quarantines authorized, S.C. Code 1976, § 47-5-120.

Sec. 8-12. Keeping of fowl.

Fowl shall be kept in a secure enclosure located at least 40 feet from any residence other than that of the owner thereof, and so constructed as to prevent such fowl from leaving the owner's premises. Owners of fowl must also comply with all applicable federal, state and local health regulations.

(Code 1980, § 5-16)

Sec. 8-13. Keeping of swine prohibited.

It shall be unlawful for any person to keep swine within the city.

(Code 1980, § 5-17)

State law references: Feeding of garbage to swine, S.C. Code 1976, § 47-15-10 et seq.

Sec. 8-14. Hitching, grazing or running at-large of livestock in streets or parks.

Except as otherwise provided in this chapter, it shall be unlawful for the owner of any cattle, horses, mules, hogs, goats, sheep or other livestock to allow such livestock to be hitched, grazed, or run at-large in any of the streets, highways or parks within the city.

(Code 1980, § 5-18)

Sec. 8-15. City-designated bird sanctuary.

The entire area within the city is hereby designated as a permanent bird sanctuary.

(Code 1980, § 5-19)

Sec. 8-16. Hunting, killing, etc., birds, fowl or squirrels.

It shall be unlawful for any person within the city to hunt, kill, shoot or attempt to shoot, wound, injure, abuse or molest any bird, wild fowl or squirrel, or to rob bird nests; provided, however, if squirrels, starlings, English sparrows or any other birds or wild fowl are found to be congregating in such numbers in a particular locality of the city that they constitute a nuisance or menace to health or property in the opinion of the director of public safety, it shall be so declared by such director. Such squirrels or birds then may be destroyed or removed in such numbers and in such a manner as is deemed advisable by the director of public safety. Squirrel removal may be performed by humane trapping.

(Code 1980, § 5-20)

Sec. 8-17. Interference with animal control officers.

It shall be unlawful for any person to interfere with, oppose, resist, hinder or molest the animal control superintendent or any animal control officer in the performance of his duty or seek to release any animal in his custody without his consent.

(Code 1980, § 5-21)

~~Sec. 8-18. Minimum fine.~~

~~—The minimum fine for violation of the provisions of this chapter shall be \$25.00, unless the municipal court judge determines that extenuating circumstances justify a lesser or different sentence.~~

(Code 1980, § 5-22)

Sec. 8-18. Injured or diseased animals.

It shall be unlawful for any person accidentally, or in any other manner, strike any domesticated animal with a vehicle or other instrument, injure the animal, and then leave the scene of the incident without immediately notifying an animal control officer, public safety officer, or other official of the city. Any animal received by the animal control shelter in critical condition from wounds, injuries or disease may be destroyed if the owner cannot be located within two (2) hours of receipt of the animal at the shelter. If the animal is in severe pain, it may be euthanized immediately, at the discretion of the Animal Control Superintendent or an animal control officer.

Sec. 8-19. Cruelty to animals and failure to aid injured animals.

(a) It shall be unlawful for an owner or any other person willfully to injure or kill any

animal by any means causing it unnecessary fright or pain, and it shall further be unlawful for the owner or any other person, by neglect or otherwise, to cause or allow any animal to endure pain, suffering or injury. Acts constituting violations of this section include, but are not limited to the following:

1. Failure to provide adequate shelter from inclement weather.
2. Failure to provide food for a period of more than twenty-four (24) hours and/or water or necessary care for more than twelve (12) hours.
3. Abandoning any animal on private or public property.
4. Leaving or exposing any poisonous substance, food, or drink, for man, animal, or fowl, or aiding or abetting any person in so doing, except insect or rodent poison when used with the product directions for control of insects or rodents.
5. Baiting, attacking with violence, provoking, or harassing an animal or causing an animal to engage in fights with or among other animals or between animals and humans. Nothing in the foregoing sentence, however, shall prohibit the lawful training of guard or law enforcement dogs or other animals, provided it does not violate other provisions of this chapter, the city code, or the laws of this state.

6. Riding animals beyond their endurance limits, requiring animals to pull or operate any carriage or other animal powered vehicles beyond animals' endurance limits, overloading animals, making animals carry loads or operate animal powered vehicles when they, or the animals, are overloaded, torturing, tormenting, depriving of necessary sustenance, cruelly beating, mutilating or cruelly killing animals, or causing or procuring these actions to be done.

(b) Any owner whose animal has been subjected to a violation of this section by the owner shall forfeit all right, title, interest and ownership in the animal subject to the procedures in this chapter, and the animal shall be impounded until the Animal Control Superintendent determines that the circumstances of the cruelty or neglect by the owner have been remedied. Upon conviction in municipal court of a violation of this section, the sentence imposed by the municipal judge may include the permanent forfeiture of the animal.

Sec. 8-19 20. Penalties.

It shall be unlawful for any person to violate any provision of this chapter, and any such violation shall be punished as prescribed in Section 1-13. Each day a violation continues constitutes a separate offense.

(Code 1980, § 5-23) **(Section 47-3-10 et seq., S.C. Code (Supp.))**