

## Chapter 4 ANIMALS<sup>1</sup>

### ARTICLE I. IN GENERAL

Secs. 4-1—4-25. Reserved.

### ARTICLE II. ANIMAL CONTROL<sup>2</sup>

#### Sec. 4-26. Authority for and enactment of chapter.

This article is hereby authorized by S.C. Code 1976, § 47-3-20, as amended.

#### Sec. 4-27. Definitions.

Whenever used in this chapter, unless a contrary intention is clearly evidenced, the following terms shall be interpreted as herein defined:

*Abandonment* shall mean deserting, forsaking, or intending to give up absolutely a pet or livestock 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 24 hours absent extenuating circumstances.

*Adverse Weather* shall mean: a heavy rain event which could lead to flooding; strong winds which could cause property damage, disrupt travel, or create hazardous conditions; snow and freezing temperatures which may cause frostbite, hypothermia, and/or difficulty accessing food and water; extreme temperatures—both high and low—which could pose health risks; thunderstorms with potential for lightning, high winds, or heavy rain; tornado risk; flooding; hail; or dust storms.

*Animal* shall mean a live vertebrate creature except a human being.

*BCAS* shall mean Beaufort County Animal Services.

*BCAS director* shall mean any person so appointed by the county administrator.

*BCAS facility* shall mean any facility designated by the County Council for the purpose of impounding, care, adoption, or euthanasia of dogs and cats held under the authority of this chapter.

*BCAS officer* shall mean any person employed by the county as an enforcement officer of the provisions of this chapter.

*Breeder* shall mean any person owning unaltered pets with the intent of selling the pets' offspring.

*County Administrator* shall mean the individual in the said position or its assignee or designee.

*Domestic* shall mean any animal which shares the genetic makeup and/or physical appearance of its ancestors, which were historically domesticated for human companionship and service.

*Dub* shall mean to trim or remove.

*Feral* shall mean any animal that was domesticated at one time but now lives in the wild or a controlled colony, or that has been born in the wild and has not been domesticated.

*Habitual Nuisance* shall mean a pet or livestock 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 on three (3) or more occasions within any twelve (12) month period.

*Infraction* shall mean a breach, violation, or infringement of this chapter for which the only penalty authorized is a fine and is expressly designated as an infraction. Infractions are intended to carry a civil penalty without the possibility of jail and thus are non-criminal in nature.

*Injury or "Bodily Injury"* shall mean: (1) broken bones, (2) lacerations, (3) punctures of the skin, or (4) any physical injury resulting in prolonged or permanent disability, loss of consciousness, or death.

*Kennel* shall mean a small shelter for a dog, cat, or other animal.

*Livestock* shall mean all classes and breed of animals, domesticated or feral, raised for use, sale, or display.

*Muzzle* shall mean a guard, typically made of straps or wire, fitted over part of an animal's face to stop it from biting or feeding.

*Non-domestic* shall mean any animal which shares the genetic makeup and/or physical appearance of its ancestors, which were not historically domesticated for human companionship and service.

*Nuisance* shall mean a pet or livestock 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.

*Owner* shall mean any person who:

- (1) Has a property right in an animal;
- (2) Keeps or harbors an animal, has it in his or her care, or acts as its custodian; or
- (3) Permits an animal to remain on or about any premises occupied by him or her for three or more days.

*Pet* shall mean any animal, which may be legally held as a pet by a private citizen without special permit or permission; i.e., dog (*canis familiaris*) and/or a domestic cat (*felis catus domesticus*).

*Pit Bull* shall mean any dog that is an American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, American Bulldog, American Bully, Cane Corso, or any dog that exhibits physical characteristics which predominantly conform to the standards established by the American Kennel Club (AKC), United Kennel Club (UKC), or American Dog Breeders Association (ADBA) for any of the above breeds.

*Provocation* shall mean an intentional action or statement made to incite anger, aggression, annoyance, or a violent response.

*Shelter* shall mean a structure made of durable material with four walls, a roof, and floor that allows retention of body heat and is of suitable size to accommodate the animal and will reasonably be expected to protect the animal from physical suffering or impairment of health due to exposure to the elements or adverse weather.

*Tethering* shall mean a chain, rope, leash, cable, or other device that attaches the pet via a collar or harness to a single stationary point.

*Unaltered* shall mean a pet which has not been spayed or neutered.

*Under restraint* shall mean when an animal is prevented from freedom of movement or action; and is on the premises of its owner or keeper or if accompanied by its owner or keeper and under the physical control of the owner or keeper by means of a leash or other similar restraining device.

#### **Sec. 4-28. County pet license; rabies vaccination tags.**

It shall be unlawful for the owner of any pet to fail to provide any pet over four months of age with a current county annual or lifetime license. The owner of any pet over four months of age must show proof that they have been vaccinated by a licensed veterinarian. No county license will be issued unless proof of rabies inoculation is shown. Any pet owner who moves into the county for the purpose of establishing residency shall have 30 days in which to obtain the license.

**Sec. 4-29. Lifetime/annual pet license issuance, fees and exemptions.**

- 1) *Eligibility.* The owner of a pet after being spayed/neutered and permanently identified, may apply to BCAS for a lifetime license; the lifetime pet license is only for Beaufort County, South Carolina.
- 2) *Permanent identification requirement.* A person applying for an annual license or lifetime license shall choose either a tattoo, a BCAS approved tag, or implantation of a microchip as the means of permanent identification for the pet. Lifetime licenses are transferable to new owners, upon the new owner completing a new BCAS pet license application, permanent identification form and when applicable, a new registration with the micro-chipping company. For permanent identification of restricted breeds, see section 14-30.
- 3) *Pets previously microchipped.* If a person has previously had a microchip implanted for his/her pet and seeks to obtain a lifetime license for the pet, the applicant shall:
  - a) Obtain and complete both a lifetime license application and a verification of permanent identification form as prescribed by BCAS.
  - b) Have a licensed veterinarian or shelter employee scan the pet to assure the microchip has been properly implanted and to obtain the identifying number of the microchip.
  - c) The pet owner and the licensed veterinarian shall complete, date, and sign the verification of a permanent identification form for the pet in which the microchip was scanned. The verification of permanent identification form must set forth the identifying number of the microchip scanned, identify the pet by breed and delineate the age, sex, color, and markings and whether it has been spayed or neutered. In addition, it must contain the name, address, and phone number of the pet's owner and the name, business address, and phone number of the person scanning the microchip number. If a veterinarian is involved, the veterinarian shall set forth his/her veterinary practice license number on the verification of permanent identification form.
- 4) *County license and fees.* The BCAS director shall establish a fee schedule subject to the approval of the County Council. All pet owners of dogs and cats in Beaufort County shall obtain either a lifetime or annual pet license.
  - a) *Lifetime pet license.* To be eligible for a lifetime pet license a pet shall:
    - i. Be spayed or neutered.
    - ii. Microchipped.
    - iii. Pay the appropriate one-time fee per the published fee schedule.
  - b) *Annual pet license.* All other pets shall be subject to an annual pet license and annual fee, except that the following exemptions may be eligible for a lifetime license:
    - i. Any owner of a pet who can furnish a statement from a licensed veterinarian that the pet, due to health reasons, could not withstand spay/neuter surgery may receive a lifetime license.
    - ii. Any owner of a dog that is currently being used for hunting purposes. Owners must provide a copy of a valid South Carolina hunting license by the proper state agency and proof that the dog is properly registered with the South Carolina Department of Natural Resources. Under this exemption, the dog owner may receive a lifetime license without spaying or neutering the dog.

**Sec. 4-30. Declaration of restricted dog, appeal of breed determination.**

- a) For the purposes of this section, a restricted dog shall be any breed of dog which is defined as a Pit Bull in Section 4-27 of this Chapter.
- b) No person may own, keep, or harbor a restricted dog in violation of this section.
- c) An owner or custodian of restricted dogs must have the dog spayed or neutered unless the owner of the restricted dog provides BCAS written proof that one of the following exemptions applies:

- 1) The restricted dog is less than four months of age;
  - 2) A licensed veterinarian has examined the animal and signed a written certificate stating that at such time spaying or neutering would endanger the animal's health because of its age, infirmity, disability, or other medical consideration. The certificate shall state the period of exemption from this requirement and shall not be valid for more than 12 months from the date of issuance;
  - 3) The determination of the dog's breed is under appeal pursuant to subsection (f); or
  - 4) The owner or custodian has owned or had custody of the dog less than 30 days, in which case the owner or custodian shall have ten (10) calendar days to have the restricted dog spayed or neutered from the date they receive notice of the breed determination from the BCAS director or his/her designee in accordance with section(e).
- d) An owner or custodian of a restricted dog must provide for the dog's permanent identification by implantation of a BCAS-approved microchip.
- e) Determination of breed.
- 1) *Determination.* The BCAS director or his/her designee, in his or her discretion, may make an initial breed determination upon contact with, or impoundment of a dog. The determination shall be made by the director or designee in accordance with BCAS's breed determination checklist. Technical deficiency in the dog's conformance to the standards defined in section 14-27 for Pit Bulls shall not be construed to indicate the dog is not a Pit Bulldog under this section.
  - 2) *Notice.* Upon determination of the breed, the BCAS officer shall deliver written notice of determination to the owner or any adult residing at the premises where the animal is located or by posting on the premises if no adult is present. The notice shall include the determination of breed and state the dog shall be spayed or neutered within ten days of receipt of said notice.
  - 3) *Compliance.* The owner or custodian of an unaltered restricted dog shall comply with this article within ten days after receipt of notice of restricted dog determination. Upon compliance, the owner or custodian shall submit written documentation to BCAS confirming compliance. If ownership of the dog is transferred within the time for compliance, the original owner or custodian must provide BCAS with the new owner's name and address.
  - 4) Whenever an unlicensed pit bull at any age is found within the county, the animal may be temporarily detained or impounded by the animal control authority for the purpose of identifying the pit bull for enforcement purposes. The owner shall be responsible for the cost of any kenneling fees incurred during the period of temporary detainment or impoundment.
  - 5) For the first offense, a violation of this section is a civil infraction which subjects the offender to a monetary penalty of up to two hundred fifty dollars. Any second or subsequent offense of this section within one year of the first offense shall be a violation which subjects the offender to a monetary penalty of up to five hundred dollars and/or confinement for up to 30 days. For purposes of this section, proof of a prior violation by an individual shall not require proof that the same pit bull is involved. Each day of violation shall be a separate offense. Should a violator fail to pay penalties imposed under this section, the County shall be entitled to move the magistrate court for an order to show cause why the pet should not be seized until payment is made.
  - 6) Alternatively, if the pit bull has been moved to a location outside the County, within 15 days of the County mailing the notice of determination, the owner or custodian shall provide the city with the new location of the pit bull, the current owner or custodian's name, and the telephone number and address of the owner or custodian.
  - 7) This section shall not apply to a pit bull that is:
    - i) an assistance dog as defined in Food and Agricultural Code § 30850;

- ii) a dog which has been certified by a licensed veterinarian as having a health reason for not being spayed/neutered; or
  - iii) a dog which is used for breeding purposes at a breeding kennel licensed by the County.
- f) Appeal.
  - 1) An owner or custodian who receives a notice of a declaration of a restricted dog breed determination may appeal the determination to the Beaufort County Magistrate Court within ten (10) days of receipt of the notice. If appealed, a hearing shall be held in the Beaufort County Magistrate Court for a final breed determination. If the court determines the dog to be a restricted breed, the court shall require the dog to be spayed or neutered within ten (10) days and require the owner or custodian to provide written verification to BCAS confirming compliance within the same time period.
  - 2) If after a final breed determination, the owner or custodian fails to comply with the restricted breed requirements, BCAS shall request the County Attorney to petition the Beaufort County Magistrate Court for an animal pickup order or a search warrant for the temporary seizure of the dog for purposes of enforcing the requirements of this section. The owner or custodian of the restricted dog shall be responsible for any and all costs associated with enforcing the requirements of this section.
  - 3) If the notice of a declaration of a restricted dog breed is not appealed within ten (10) days of receipt of the notice the determination, then the restricted breed determination shall constitute a final determination.
- g) *Noncompliance.* If the owner or custodian of a dog determined to be a restricted breed under this section fails to comply with the requirements of this section and has not appealed the initial determination by BCAS within 10 days, then a citation may be issued by a BCAS officer. BCAS may petition the Beaufort County Magistrate Court for an animal pickup order or a search warrant for the temporary seizure of the dog for purposes of enforcing the requirements of this section during the adjudication of the citation hearing and no 10-day grace period shall be required. The owner or custodian of the restricted dog shall be responsible for any and all costs associated with enforcing the requirements of this section.

#### **Sec. 14-31. Pet breeder license, inspection and fees.**

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

- (a) Individuals engaged or intending to engage in breeding must obtain a non-transferable pet breeder license from BCAS.
- (b) Applicants must have a valid county annual pet license and microchip for all pets before applying for the pet breeder license.
- (c) BCAS shall conduct an inspection of the identified property for the pet breeders' license requested by the applicant to determine whether the applicant qualifies to hold a pet breeder license pursuant to this section.
- (d) To qualify for a pet breeder license the applicant must demonstrate the following:
  - (1) The enclosure where the pets are being kept shall be constructed in such a manner that any pets housed there will be adequately and comfortably kept in any season of the year.
  - (2) All pet enclosures must be constructed in such a manner that they can be easily cleaned and sanitized. Any kennels or yards that are connected or are used to confine the pets must be kept clean and free from accumulations of feces, filth, mud, and debris.
  - (3) Every pet on the premises must have access to sufficient good and wholesome food, and water at all times.

- (4) The premises must be set up in such a manner as to not allow pets to stray beyond its enclosed confines. The setup must also prevent the public and stray animals from obtaining entrance into or gaining contact with any pets on the premises.
- (e) 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 five years of the date of application.
- (f) The pet breeder license fee published in the fee schedule approved by County Council. The license shall expire 365 days after the date it is issued.
- (g) Any violations found under the provisions of this chapter shall be grounds for the suspension of the pet breeder license if deemed necessary by BCAS.

**Sec. 14-32. Dangerous animals. (This section replaces previous section),**

The purpose of this Section is to establish a procedure whereby animals that pose a reasonably significant threat of causing injury to humans, domestic animals, livestock, or property are identified and subjected to precautionary restrictions in order to prevent initial or additional injuries. Notwithstanding the date of adoption, this Section shall be effective retroactively to include offenses committed on or after January 1, 2025.

a)

- 1) Level 1 behavior is established when an animal, whether or not confined, is found to menace, chase, display threatening or aggressive behavior, or otherwise threaten or endanger the safety of any domestic animal, livestock, or person.
- 2) Level 2 behavior is established when an animal, whether or not confined, bites or causes physical injury to any domestic animal, livestock, or person.
- 3) Level 3 behavior is established when:
  - A. An animal, whether or not confined, causes the significant injury or death of any person, domestic animal, or livestock.
  - B. An animal engages in or is found to have been trained to engage in exhibitions of fighting; or
  - C. An animal that has been classified as a level 2 potentially dangerous dog repeats the behavior described in subsection 2) after the owner receives notice of the level 2 behavior classification.
- b) Notwithstanding section a), the Animal Services Officer shall have the discretion to refrain from classifying a dog as potentially dangerous even if the dog has engaged in the behaviors specified in section a) if the Officer determines that the behavior was a result of the victim abusing or tormenting the dog or other extenuating circumstances.
- c) No dog shall be classified as potentially dangerous if the behavior in question was directed against a trespasser that illegally entered a residence.
- d) The restrictions for a dog classified under section a) shall be eligible for review upon request of the Owner by the Animal Service Officer after one year for dogs classified as Level 1 or Level 2 and by the magistrate court after five years for dogs classified as Level 3. If, after a requested review of a dog classified as Level 1 or Level 2, the Animal Services Officer determines that the classification and restrictions should stand, the Owner may appeal the determination to the magistrate court. An Owner may not request another review of a Level 1 or Level 2 classification until a full year has passed from the date of the final determination regarding the prior review, which is comprised of the Animal Services Officer's determination if unappealed, or the magistrate court's order if appealed. An Owner may not request another review of a Level 3 classification until five years have passed from the date of the magistrate court's order regarding the Level 3 classification review.

- e) If the owner can show that the behavior that caused the classification of Level 1 or Level 2 has been corrected to the satisfaction of the Animal Services Officer, the Officer may modify or remove the classification. Level 3 classification dog owners may petition the magistrate court after five (5) years to modify or remove the classification if they can show that the behavior which caused the classification has been corrected.
- f) Identification of Potentially Dangerous Dogs – Appeals, Restrictions Pending Appeal.
- 1) The Animal Services Officer shall provide the dog's owner—either personally or by posting at the owner's address—a written initial determination that the dog is potentially dangerous containing a description of the dog's specific behavior, classification as a potentially dangerous dog, the additional restrictions applicable to that dog by reason of its classification, and a hearing date for the final dangerous dog determination to be held in magistrate court.
  - 2) The magistrate court shall make a final determination as to whether the dog is dangerous under this Ordinance within 30 days of the initial determination, or as soon as practicable. The owner and any other person having relevant evidence concerning the dog's behavior as specified in section shall be allowed to present statements. The magistrate court shall issue an order containing the determination, which shall be final.
  - 3) Once the owner has received notice of the dog's classification as a Level 1 or Level 2 potentially dangerous dog pursuant to section a), the owner shall comply with the restrictions specified in the notice, within ten days. If the Animal Service Officer's decision is upheld, the dog's owner shall be liable for the cost of the dog's impoundment, if any.
  - 4) If the Animal Services Officer finds that a dog has engaged in Level 3 behavior, the dog may be impounded pending completion of the final determination hearing. If the Animal Services Officer's decision is upheld, the dog's owner shall be liable for the cost of the dog's impoundment, if any.
- g) Regulation of Potentially Dangerous Dogs.
- 1) In addition to the other requirements of this Section, the owner of a potentially dangerous dog shall comply with the following additional regulations:
  - 2) If the dog has engaged in Level 1 or Level 2 behavior, the Animal Services Officer may request that the owner provide a physical device or structure that prevents the dog from reaching any public right-of-way or adjoining property, and shall restrict the dog by such a device or structure whenever the dog is outside the owner's home and not on a leash off the owner's property.
  - 3) If the dog has engaged in Level 3 behavior, the owner shall provide a secure enclosure and confine the dog within such enclosure whenever the dog is not on a leash or inside the home of the owner. Additionally, the owner shall not permit the dog to be off of the owner's property unless the dog is muzzled and restrained by an adequate leash and under the control of a capable person over the age of 18. The owner shall also post approved warning signs on the property where the dog is kept.
  - 4) Any dog that has been found to have engaged in level 3 behavior may be euthanized by order of a magistrate judge, provided the dog's behavior poses a significant risk of additional injury or death and the owner fails to provide sufficient evidence of compliance with the restrictions imposed by this section. In addition, the magistrate judge has the authority to suspend, for a period of time, the Level 3 dog owner's right to be the owner of any dog in the County, including dogs currently owned by that person. Animal Services Officers have the discretion to implement provisional measures to restrict a potentially dangerous dog exhibiting behavior of any level.
  - 5) To ensure correct identification, the owner of a dog that has been classified as potentially dangerous shall be microchipped. In addition, the owner of a dog that has engaged in Level 3 behavior shall apply a "dangerous dog" tag on the dog's collar provided by BCAS.
  - 6) The owner of a potentially dangerous dog shall notify BCAS of the transfer of ownership by sale, gift or otherwise of the potentially dangerous dog and of the name and address of the person to whom the potentially dangerous dog was transferred.
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h) Dangerous Animals. (replaces previous subsection)

- 1) No person owns, has a right of property in, harbors, or has in their care, possession, custody, or control a dangerous animal, shall allow the dangerous animal to be exposed to the public.
- 2) A dangerous animal that has been exposed to the public may be impounded by an Animal Services Officer and disposed of in accordance with the provisions of this code for the impoundment and disposition of animals, except, before a dangerous animal is released, the judge must enter findings that proper precautions will be taken to ensure the public health and safety.
- 3) A dangerous animal running at large that, because of its disposition or diseased condition, is too hazardous to apprehend may be destroyed by an Animal Services Officer, or by a person acting in defense of that person's own self or another person.
- 4) For the purposes of this section, a dangerous or vicious animal shall be defined to be any one of the following:
  - A. An animal which the owner knows or reasonably should know has a propensity, tendency, or disposition to attack unprovoked, cause injury, or to otherwise endanger the safety of human beings or domestic animals;
  - B. An animal which makes an unprovoked attack that causes bodily injury to a human being or death to a domestic animal and the attack occurs in a place other than the place where the animal is confined;
  - C. An animal which 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;
  - D. An animal which is owned or harbored primarily or in part for the purpose of fighting or which is trained for fighting; or
  - E. An animal, which is used as a weapon in the commission of a crime.
- 5) Notwithstanding paragraph (a) above, a magistrate judge may (or may not) deem an animal a dangerous animal, after considering the totality of the circumstances, regardless of location of an attack or provocation, when an attack results in or bodily injury to a human or domestic animal.
- 6) Declaration of a dangerous animal, confinement requirements, and final determination of a dangerous animal declaration.
  - A. Declaration. A BCAS officer or law enforcement officer, in his or her discretion, may make an initial determination that an animal is dangerous. Upon the initial determination, the officer shall deliver written notice to the owner or any adult residing at the premises where the animal is located or by posting on the premises if no adult is present. The notice shall include a description of the animal, a hearing date, confinement requirements and registration requirements.
  - B. Temporary possession of suspect animal. When, in the discretion of a BCAS officer or law enforcement officer, the animal initially determined to be dangerous has caused bodily injury to another animal or human, the officer may take temporary possession of the animal during the pendency of the final dangerous dog determination hearing before a magistrate judge. When a BCAS officer or law enforcement officer takes temporary possession of an animal pursuant to this section, the requirements of paragraph C of this subsection (6), shall be held in abeyance during the pendency of a hearing.
  - C. Confinement requirements. Every dangerous animal, as determined under this section, shall be immediately confined by the owner upon receipt of the notice of dangerous dog determination and until the final determination of the dangerous



dog declaration as follows:

- I. All dangerous animals shall be securely confined within an occupied house or residence or in a securely enclosed and locked pen or kennel, except when leashed as provided in this section. Such pen, kennel, or structure must have secure sides and a secure top attached to the sides.
  - II. No person shall permit a dangerous animal to go outside its confined space unless such animal is securely leashed and muzzled with a physical leash no longer than six feet in length.
  - III. An exception to such animal being muzzled may be made if a muzzle would cause harm to the health of the animal. In order for this exception to apply, the owner shall provide BCAS with a written statement from a licensed veterinarian stating the name and description of the animal, that a muzzle will cause harm to the said animal, and the type of harm which would be caused to the animal. If this exception is applicable, then the animal shall be required to wear a harness while on a leash.
- D. Final determination of dangerous animal declaration. Notice of a declaration of a dangerous animal constitutes an initial determination that the animal is dangerous or potentially dangerous. A final determination shall be made by the Beaufort County Magistrate Court within 30 days or as soon as practicable. After a final determination and declaration of a dangerous animal is made by the Beaufort County Magistrate Court, the owner shall adhere to the confinement requirements listed in subsection (C), as well as the following:
- I. Insurance requirement. Owner must provide BCAS with proof of liability insurance or a surety bond of at least \$50,000. If proof of liability insurance is provided, it must adhere to the following requirements:
    - I. The animal must be specifically referred to by name and description;
    - II. The policy may not contain exceptions related to liability towards third parties and/or restricted to owner's real property; and
    - III. The policy may not contain exceptions related to animal bites or injuries to third parties.
  - II. Notice of dangerous animal. No person 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 fence or securely enclosed and locked pen or run area upon the person's premises. The pen or run area must be clearly marked as containing a dangerous animal and must be designed to prevent the entry of the general public, including children, and to prevent the escape or release of the animal.
  - III. Registration and license. The owner must obtain a dangerous animal registration/license from BCAS and pay a fee on the BCAS fee schedule subject to County Council approval.

### **Sec. 14-33. Running at large.**

- (a) *Unlawful.* It shall be unlawful for any owner or custodian of any dog to permit, or allow in any way whether

intentionally or unintentionally, the same to run at large except on property owned or rented by the owner or custodian. All dogs must be kept under restraint or confinement and under the physical control of the owner or custodian by means of a leash or other physically attached similar restraining device.

- (1) For purposes of this section, the term permit shall be defined as an act, regardless of the intent of the owner or custodian of the dog, which allows or provides opportunity for an action to occur.
  - (2) For purposes of this section, the term "run at large" is defined as a dog off the premises of the owner or custodian and not under the physical control of the owner or custodian by means of a leash or other similar restraining device.
  - (3) For purposes of this section, the term "under restraint" is defined as when a dog is on the premises of its owner or keeper or if accompanied by its owner or keeper and under the physical control of the owner or keeper by means of a leash or other similar restraining device.
- (b) *Exempt dogs.* Dogs that are participating in hunting events, obedience trials, conformation shows, tracking tests, herding trials, lure courses and other events similar in nature shall not be considered "at large". A dog working in a law enforcement capacity with a governmental agency and in the performance of the dog's official duties.

#### **Sec. 14-34. Nuisance pets or livestock.**

- (a) The actions of a pet or livestock constitute a nuisance when a pet or livestock disturbs the rights of, threatens the safety of or injures a member of the general public or domestic animal, or interferes with the ordinary use and enjoyment of anyone other than its owner's property.
- (1) Final determination of a nuisance pet or livestock by the Beaufort County Magistrate Court requires that the owner shall:
    - a. If the pet or livestock is outdoors and not under restraint, the pet or livestock shall be confined to a fenced in area, whereby the height of the fence shall be sufficient to keep the pet or livestock contained at all times.
    - b. Regardless of location, the pet or livestock shall not be allowed outside of a fenced in area without being kept under restraint or confinement and under the physical control of the owner or custodian by means of a leash or other physically attached similar restraining device.
- (b) It shall be unlawful for any person to own, keep, possess, or maintain a pet or livestock in such a manner that it constitutes a public nuisance. By way of example, and not of limitation, the following acts or actions by an owner or possessor of any pet or livestock are hereby declared to be a public nuisance and are, therefore, unlawful:
- (1) Failure to exercise sufficient restraint necessary to control a pet or livestock as required by section 14-33.
  - (2) Allowing or permitting a pet or livestock to damage the property of anyone other than its owner, including, but not limited to, turning over garbage containers or damaging gardens, flowers, or vegetables.
  - (3) Failure to maintain a dangerous animal in a manner other than that which is described in section 14-32.
  - (4) Maintaining pets or livestock in an environment of unsanitary conditions which results in offensive odors or is dangerous to the pet or livestock or to the public health, welfare, or safety.
  - (5) Maintaining his or her property in a manner that is offensive, annoying, or dangerous to the public health, safety, or welfare of the community because of the number, type, variety, density, or location of the pets or livestock on the property.
  - (6) Allowing or permitting a pet or livestock to cluck, crow, bleat, bark, whine, or howl in an excessive,
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unwarranted, and continuous or untimely fashion, or make other noise in such a manner so as to result in a serious annoyance or interference with the reasonable peace, use and enjoyment of neighboring premises.

- (7) Maintaining a pet or livestock that is diseased and dangerous to the public health.
- (8) Maintaining a pet or livestock that habitually or repeatedly chases, snaps at, attacks, or barks at pedestrians, other domestic animals, bicycles, or vehicles.
- (9) Every female pet or livestock in heat shall be confined in a building or secure enclosure in such a manner as will not create a nuisance by attracting other pets or livestock.
- (10) Animal noise.

(a) It shall be a violation for any person to own, keep, possess or harbor an animal of any age which frequently or for a continued duration barks, howls, crows, or makes any other loud noise disturbing, annoying, or causing discomfort to a reasonable person of normal sensitivities across a residential real property boundary or through a common partition within a building.

(b) Procedure.

(1) Upon receiving a complaint of nuisance animal noise, the animal control officer will investigate. If a violation is evident, the animal service officer shall send a certified letter of notification to the animal's owner/keeper informing them of the complaint and asking for their support in resolving the complaint.

(2) If the complaint has not been resolved after two weeks from the date of the letter of notification, the animal control officer will notify the complainant that in order to process a citation, the complainant must provide two nuisance animal noise complaint forms stating that they: a. Witnessed the violation; and b. Are aware that the complaining party must testify in court and shall be subject to subpoena.

(3) Action under this section shall not occur unless at least two persons not of the same household complain of the alleged offense in writing. However, should there be only one household within one-half mile of the property line on which the source of the complaint is located, one written complaint shall be sufficient.

(4) Upon receipt of the nuisance animal noise complaint forms, the animal control officer shall serve a notice of violation to the animal's owner/keeper stating that the owner/keeper has 14 days to suppress the animal noise.

(5) If after 14 days from the date the notice of violation there is still animal noise occurring, the animal control officer shall issue a citation on the animal's owner/keeper.

(6) If a violation occurs after issuance of the first citation and the complaining party has previously completed a nuisance animal noise complaint form report, the animal control officer may issue additional citations to the animal's owner/keeper for every day that the violation occurs.

- (c) A pet or livestock that has been determined to be a habitual nuisance, as defined in Section 4-27 of this Article, by BCAS may be impounded and may not be returned to the owner until said owner can produce evidence to demonstrate to the BCAS director that the situation creating the nuisance has been abated.

#### **Sec. 4-35. Animal cruelty and neglect.**

- (a) *General Animal Welfare.* It shall be unlawful for an owner to fail to provide his/her animals with sufficient good and wholesome food and water, proper shelter and protection from weather, or humane care and treatment. It shall be determined a failure to provide sufficient good and wholesome food and water, or proper shelter and protection from weather when an animal has gone without sufficient good and wholesome food and water for a period of 12 consecutive hours or proper shelter and protection from weather for a period of four

consecutive hours.

- (b) *Mistreatment.* It shall be unlawful for a person to beat, cruelly treat, torment, overload, overwork, or otherwise abuse an animal or cause, instigate, or permit any dogfight or other combat between animals or between animals and humans.
- (c) *Physical alteration.* It shall be unlawful for a person to dye or color artificially any animal or fowl, including, but not limited to, rabbits, baby chickens, and ducklings, or to bring any dyed or colored animal or fowl into the county. No person shall crop or dub a pet or livestock's ears, tail, wattle, or comb, except if by a licensed veterinarian.
- (d) *Abandonment.* It shall be unlawful for any owner to abandon an animal as defined in section 14-27 of this chapter.
  - (1) *Abandonment during weather related emergencies.* It shall be unlawful for an individual to abandon an animal and allow an animal to remain in a home, building, fence, cage, coop, crate, or any other structure when any adverse weather, named tropical storm, or named hurricane is expected to impact Beaufort County. For the purpose of this section, a tropical storm or named hurricane is expected to impact Beaufort County when a tropical storm watch, warning, or evacuation; or when a hurricane watch, warning, or evacuation is in effect for Beaufort County. This section is applicable to those properties specifically located in special flood hazard areas as described in the Beaufort County ordinances.
    - a. Owners of animals and livestock who care for animals on flood prone land may provide a written emergency plan to Beaufort County Animal Services describing how the basic needs of their animals will be provided. Owners of livestock may work with local Animal Services Officers or other agencies involved in the care of livestock to prepare a plan to provide for the safety of animals during weather-related emergencies. Owners who submit a satisfactory emergency plan to BCAS may be eligible to apply to BCAS for membership in the County Animal Response Team ("CART") program in the event of an evacuation.
    - b. During weather related emergencies or when flooding warnings are in place, owners must provide for the safety of animals with protected or elevated enclosed structures, higher pasture ground within enclosed areas, evacuation, or relocation. A last resort for owners of livestock animals who must evacuate and leave livestock behind, when the options above are not available, owners shall not restrict the movement of animals and allow them to naturally seek safe refuge.
- (e) Tethering is prohibited.
 

No person shall tether, fasten, chain, tie, or restrain a domestic animal or domestic livestock or cause the animal to be tethered, fastened, chained, tied, or restrained, to a doghouse, tree, fence, or any other stationary object.

A person may do any of the following:

  - (1) Attach an animal to a running line, pulley, or trolley system. Animals shall not be tethered to a running line, pulley, or trolley system by means of a choke collar or pinch collar. Trolley system, running lines, or pulley systems should be at least 10 feet or longer with the attached lead of a length which allows continuous access to water, food, and shelter.
  - (2) Animal under the age of 6 months shall not be permitted to use a trolley system, running line, or pulley system.
  - (3) Tether, fasten, chain, tie or otherwise restrain an animal pursuant to the requirements of a camping or recreational area.
  - (4) Tether, fasten, chain, or tie an animal no longer than is necessary for the person to complete a temporary task that requires the animal to be restrained for a reasonable period.

- (5) Tether, fasten, chain, or tie an animal while engaged in, or actively training for, an activity that is conducted pursuant to a valid license issued by the state, if the activity for which the license is issued is associated with the use of presence of the animal.
  - (6) Tether, fasten, chain, or tie an animal while actively engaged in any of the following:
    - a. Conduct is directly related to the business of shepherding or herding cattle or livestock.
    - b. Conduct is directly related to the business of cultivating agricultural products, if the restraint is reasonably necessary for the safety of the dog.
    - c. Nothing in this section shall be construed to prohibit a person from walking an animal with a hand-held leash.
  - (7) No animal shall be attached to a trolley system, running line, or pulley or restrained from movement during any named tropical storm, named hurricane, or adverse weather impacting, or expected to impact Beaufort County or whenever flooding could occur. For the purpose of this section, a tropical storm or named hurricane is expected to impact Beaufort County when a tropical storm watch, warning or evacuation or a hurricane watch, warning, or evacuation is in effect for Beaufort County. Beaufort County Animal Services maintains discretion to assess and issue violations of this section.
  - (8) A person owning or keeping an animal older than six (6) months of age may confine such animal outside, subject to the restrictions in this section, through the use of any of the following methods:
    - a. Inside of a pen or secure enclosure;
    - b. Inside of a fully fenced, electronically fenced, or otherwise securely enclosed yard, wherein the animal has the ability to run but is unable to leave the enclosed yard; or
    - c. By use of a trolley system, pulley, or running line when length of the lead from the trolley system, pulley, or running line to the animal's collar or harness allows continuous access to clean water and appropriate shelter at all times.
  - (9) Exceptions to the above restrictions on outdoor confinement shall be made for dogs actively engaged in conduct directly related to the business of shepherding, herding cattle or other livestock, or engaged in conduct that is directly related to the business of cultivating agricultural products, if the restraint is reasonably necessary for the safety of the dog.
- (f) *Animal neglect.* It shall be unlawful for an individual or owner to fail to provide sufficient food or water for any period of time, fail to provide adequate shelter, or in general fail to adequately care for an animal. The violation of this paragraph shall be at the discretion of the BCAS director or BCAS officer and shall result in the issuance of an administrative citation as provided for in section 14-47.

#### **Sec. 4-36. Sale of animals, pets or livestock.**

- (a) No person shall sell, trade, barter, auction, lease, rent, give away, or display for commercial purpose, any live animal, pet, or livestock on any roadside, public right-of-way, public property, commercial parking lot or sidewalk, or at any flea market, fair, or carnival.
- (b) No person shall offer an animal, pet, or livestock as an inducement to purchase a product, commodity, or service.
- (c) No person shall sell, offer for sale, or give away any animal or pet four weeks of age, except as to surrender to the BCAS or to a licensed pet rescue organization.
- (d) Licensed pet shops, commercial kennels, county animal services facilities, and licensed pet rescue organizations are exempt from the requirements of this section 14-36.
- (e) Any sale of wildlife will be reported to the South Carolina Department of Natural Resources, United States

**Sec. 4-37. Seizure and right of entry to protect abandoned, neglected, or cruelly treated pets or livestock.**

- (a) *Seizure and right of entry.* If the owner does not give permission to the BCAS officer for right of entry on private property to examine suspected abandoned, neglected, or cruelly treated pets or livestock, the BCAS officer shall petition the appropriate magistrate for an animal pickup order or a search warrant for the seizure of the pet or livestock to determine whether the owner, if known, is able to adequately provide for the pet or livestock and is a fit person to own the pet or livestock.
- (b) *Citation.* The BCAS officer shall cause to be served upon the owner, if known, and residing within the jurisdiction wherein the pet or livestock is found, a written citation at least five days prior to the hearing containing the time, date, and place of the hearing. If the owner is not known or cannot be found within the jurisdiction wherein the pet or livestock was found, the BCAS officer shall post a copy of the notice at the property where the animal was seized.
- (c) *Custody.* The pet or livestock shall remain in the custody and care of BCAS until the matter is heard before a magistrate. The magistrate shall make the final determination as to whether the pet or livestock is to be returned to the owner or whether ownership is to be transferred to the BCAS whereby the pet or livestock may be put up for adoption or humanely euthanized. If the magistrate orders the return of the pet or livestock to its owner, BCAS shall release the pet or livestock upon receipt from the owner of all redemption fees as described in section 4-39, below.
- (d) *Euthanasia.* Nothing in this section shall be construed to prohibit the euthanasia of a critically injured or ill animal for humane purposes, as determined to be appropriate by BCAS.

**Sec. 4-38. Impoundment.**

- (a) Any pet or livestock found within the county in violation of the provisions of this chapter may be caught and impounded by BCAS. BCAS may, thereafter, make available for adoption or humanely euthanize impounded pets or livestock not positively identified or redeemed within five working days.
  - (b) When a person arrested is, at the time of arrest, in charge of an animal, BCAS may take charge of the animal and deposit the animal in a safe place of custody or impound the pet or livestock at an animal care facility.
  - (c) The owner of an animal that may be positively identified shall be notified at the owner's last known address by registered mail if attempts by telephone are not successful. The owner has 14 consecutive days from the date of mailing to contact BCAS for pick-up. If the owner does not pick up the said dog within 14 consecutive days of notification from BCAS. The animal may be euthanized. Redemption costs will include the cost of mailing, any established costs, fines, fees, or other charges. If the owner does not make contact within 14 consecutive days of the date of mailing, the pet or livestock will be deemed abandoned and becomes the property of BCAS. For dogs impounded with BCAS, the BCAS director or his/her designee in agreement with a licensed veterinarian, shall either place the pet or livestock for adoption or have the animal humanely euthanized, pursuant to S.C. Code, § 47-3-540 (Supp. 1999).
  - (d) Notwithstanding the above, pets or livestock impounded at BCAS facility, which are deemed by the BCAS director or his/her designee, or a licensed veterinarian to constitute a danger to other pets, livestock or persons at the facility, or which are infectious to other pets or livestock, in pain, or near death may be humanely euthanized immediately.
  - (e) Any pet or livestock surrendered to BCAS may be adopted or euthanized at any time provided there is a completed and signed surrender form on file for the pet or livestock concerned.
  - (f) Only government agencies or organizations that are contracted with a government agency to perform animal control services have the authority to impound animals. All stray animals must be taken or reported to the
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BCAS and or affiliated organizations as soon as possible for the mandatory holding period.

#### **Sec. 4-39. Redemption.**

- (a) The owner or keeper of any pet or livestock that has been impounded under the provisions of this chapter, and which has not been found to be dangerous or vicious, shall have the right to redeem such pet or livestock at any time when proper ownership has been confirmed by BCAS personnel; upon payment of a fee as follows:
  - (1) For a pet or livestock that has not been properly inoculated, licensed, micro chipped, and spayed or neutered, the BCAS director or his/her designee may at their discretion issue a warning or administrative citation for the first offense after a thorough investigation of the circumstances. Redemption fees shall be published on the BCAS fee schedule and be subject to County Council's approval.
  - (2) In addition to the administrative penalty for a pet or livestock not properly inoculated, licensed, microchipped and spayed or neutered; an appropriate microchip license fee, the charge for rabies inoculation, and the cost of spaying or neutering the pet or livestock may be charged to the owner.
  - (3) Pets or livestock will not be released without proof of inoculation and without an implanted microchip. The requirements of spaying or neutering shall not be waived under the exemptions stated in subsection 14-29 when the pet or livestock (as appropriate) has been impounded a second time for any violations of sections 4-32, 4-33, 4-34, or 4-35.
- (b) In addition to the redemption fee, a boarding fee after 24 hours per the published fee schedule per day per pet or livestock shall be paid by the owner or keeper when a pet or livestock is redeemed.
- (c) The fees set out in this section shall be doubled for any pet or livestock impounded twice or more within the same 12-month period.

#### **Sec. 4-40. Adoption.**

- (a) Any pet or livestock impounded under the provisions of this chapter may, at the end of the legal detention period, be adopted provided the new owner will agree to comply with the provisions contained in this section.
- (b) Any pet or livestock surrendered to BCAS may be adopted at any time provided there is a completed and signed surrender form on file for the pet or livestock concerned.
- (c) Those individuals adopting puppies or kittens too young to be neutered or spayed or receive rabies inoculations will pay the cost of these procedures at the time of adoption and be given an appointment for a later time to have these procedures completed. In the event the pet is deceased prior to the appointment date, the applicable portion of the adoption fee will be returned.
- (d) The BCAS director or his/her designee shall have the authority to refuse adoption of any animal to any person deemed unable to provide proper shelter, confinement, medical care and food; or to any person who has a past history of inhumane treatment of or neglect to pets or livestock. Any person seeking adoption of a pet or livestock more frequently than 90 days from the last adoption shall be subject to refusal of adoption. Any person who has been refused adoption of a pet or livestock may appeal his/her case to the assistant county administrator for public safety. If any person surrenders an owned pet or livestock to BCAS, they will not be able to adopt a pet or livestock for 90 days from the date of the original surrender.

#### **Sec. 14-41. Trapping.**

- (a) It shall be unlawful for any person or business to conduct trapping of any pets, livestock, or domestic animals within Beaufort County without prior approval from BCAS. Any pets, livestock, or domestic animals trapped with prior approval from the BCAS will be reported or delivered to the BCAS for purposes of identification of the pet's owner and record keeping of the trapping. It shall be unlawful for any person to remove, destroy, or liberate any trap and/or trapped animal set by the BCAS or enter any animal services vehicle with the intent to rescue or deliver it from the custody of the BCAS. If a trapped animal is in need of immediate attention, the BCAS or 911 shall be notified immediately of the animal in distress.
- (b) Exemption. Trapping is permitted for hogs.

#### **Sec. 4-42. Management of feral cat colonies.**

- (a) *Definitions.*

*Caregiver* means any person who provides food, water, or shelter to or otherwise cares for a feral cat colony and has made application to BCAS for management of a feral cat colony.

*Caregiver manager* means any person in charge of a caregiver program.

*Ear tipping* means straight-line cutting of the tip of the left ear of a cat while the cat is anesthetized.

*Feral cat* means a cat which currently exists in a wild or untamed state.

*Feral cat colony* means a group of cats that congregate. Although not every cat in a colony may be feral, non-feral cats routinely congregate with a colony shall be deemed to be a part of it.

*Nuisance*, for the purpose of this Section, means disturbing the peace by:

- (1) Habitually or continually howling, crying or screaming; or
- (2) The habitual and significant destruction of property against the wishes of the owner of the property.

*Suitable shelter* means shelter that provides protection from rain, sun and other elements and is adequate to protect the health of the cat.

*TNR* means trap, neuter/spay and release.

*TNA program* means a program pursuant to which cats are trapped, neutered or spayed, vaccinated against rabies, ear tipped or tattooed and released to a designated location of a managed colony.

- (b) *Feral cat colony management.* Feral cat colonies shall be permitted (no fee) by BCAS. Caregivers shall be responsible for applying for a permit for each colony and be entitled to maintain them in accordance with the terms and conditions of the BCAS policy on feral cat colony management, once the permit is approved by BCAS.

#### **Sec. 4-43. Livestock.**

- (a) Beaufort County recognizes that the South Carolina General Assembly has enacted South Carolina Code § 47-4-160 (2024), which pertains to animal husbandry practices for livestock and poultry. To the extent any provision of this ordinance conflicts with the State code requirements as to such animal husbandry practices, the State code preempts local law.
- (b) All livestock shall be properly housed with adequate food, water, and confined within a fenced enclosure. The fenced enclosure shall be maintained in such a manner as to keep any average livestock animal from escaping the enclosed compound and causing damage, accidents, or injury to any person or property. No person shall tie, stake or fasten any livestock within any street, highway, road, alley, sidewalk, right-of-way, or other public place within the county or in such manner that the animal has access to any portion of any street, highway, road, alley, sidewalk, right-of-way, or other public place.
- (c) Owners or possessors of livestock impounded for violation of this section or any state and/or federal laws, will be charged in accordance with actual costs of impoundment plus impounding and boarding fees.



- (d) Impounded livestock shall be held for a period of ten days. If such impounded animals are not claimed by the owners during that period of time, the animals may be given to persons willing to accept them, at the discretion of BCAS.
- (e) Exception. No other swine or livestock shall be kept within the corporate limits of Port Royal and Bluffton except as is permissible under the municipal zoning regulations. No approval shall be granted or continued if such keeping shall constitute a menace to health or welfare of the public. To the extent that other sections within this chapter reference livestock this section shall be controlling.

#### **Sec. 4-44. Importation of exotic animals prohibited.**

*Definition.* An "exotic animal" shall be defined as one which would ordinarily be confined to a zoo, or one which would ordinarily be found in the wilderness of this or any other country or one which is a species of animal not indigenous to the United States or to North America, or one which otherwise causes a reasonable person to be fearful of significant destruction of property or of bodily harm and the latter includes, but would not be limited to, such animals as monkeys, raccoons, squirrels, ocelots, bobcats, lions, tigers, bears, wolves, and other such animals or one which causes zoonotic diseases. Such animals are further defined as being mammals or those nonvenomous reptiles weighing over 50 pounds at maturity which are known at law as Ferae Naturae. Wild or exotic animals specifically do not include animals of a species customarily used in South Carolina as ordinary household pets, animals of a species customarily used in South Carolina as domestic farm animals, fish contained in an aquarium, birds, or insects.

- (a) *Unlawful act.* It shall be unlawful for any person, firm, or corporation to import into Beaufort County any venomous reptile or any other exotic animal.
- (b) *Exceptions.* This section shall not apply to following entities:
  - (1) An entity licensed as a Class R Research Facility by the United States of America or any agency thereof pursuant to the Animal Welfare Act (7 U.S.C. 2131 et seq.).
  - (2) An entity properly accredited by the Association of Zoos and Aquariums or the Zoological Association of America.
  - (3) An entity licensed as a Class C Facility by the United States of America or any agency thereof pursuant to the Animal Welfare Act (7 U.S.C. 2131 et seq.) for exhibition not to exceed seven days within a 52-week period.
  - (4) A team mascot for a university or educational facility.

#### **Sec. 4-45. Rabies Control Act (S.C. State Law 47-5-10).**

This law is strictly enforced by South Carolina Department of Health and Environmental Control (DHEC) in cooperation with BCAS and any state, county, or municipal law enforcement agencies.

- (a) *Vaccinations.* It shall be unlawful for any owner of a dog or cat four months of age or older to fail to have such animal vaccinated against rabies, unless recommended otherwise by a veterinarian for medical reasons. All dogs and cats shall be vaccinated at four months of age (unless recommended otherwise by a veterinarian) and revaccinated thereafter at the expiration of the validity of the vaccine used, as shown on the written document prepared by a licensed veterinarian. The vaccination shall be valid for the period shown on the document. Any person moving into the county from a location outside the county shall comply with this section within 30 days after having moved into the county by having the animal vaccinated or showing proof of current, valid vaccination. If the dog or cat has inflicted a bite on any person or another animal within the last ten days, the owner of said animal shall report such fact to a veterinarian, and no rabies vaccine shall be administered until after the required observation or quarantine period.

- (b) *Proof of vaccination.* It shall be unlawful for any person who owns a vaccinated animal to fail or refuse to exhibit his copy of the certificate of vaccination upon demand to any person charged with the enforcement of this chapter
- (c) *Harboring unvaccinated dogs and cats.* It shall be unlawful for any person to harbor any dog or cat that has not been vaccinated against rabies, as provided herein, or that cannot be identified as having a current vaccination certificate.
- (d) *Non-transferability.* Vaccination certificates and tags are not transferable and cannot be used for any animal other than the animal that received the vaccination and for which the certificate was originally issued.
- (e) *Exceptions.* No person charged with violating section 14-45, rabies control, shall be convicted if he/she produces in court a bona fide and valid certificate of vaccination that was in full force and effect at the time of the alleged violation.

#### **Sec. 4-46. Interference with a BCAS officer.**

It shall be unlawful for any person to interfere with, hinder, or molest a BCAS officer in the performance of his/her duties or seek to release any pet or livestock in his/her custody without his/her consent.

( Ord. No. 2015-27, 10-12-2015 ; Ord. No. 2019-24, 6-10-2019 ; Ord. No. 2022/22 , Exh. A, 4-11-2022)

#### **Sec. 4-47. Dangerous animal not to go unconfined on premises or off premises unless safely restrained.**

- a) No person owning or harboring or having the care or the custody of a dangerous animal may permit the animal to go unconfined on his 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 fence or securely enclosed and locked pen or run area upon the person's premises. The pen or run area must be clearly marked as containing a dangerous animal and must be designed to prevent the entry of the general public, including children, and to prevent the escape or release of the animal.
- b) Dangerous animals are not permitted beyond the owner/custodian's premises unless safely restrained. No person owning or harboring or having the care of a dangerous animal may permit the animal to go beyond their premises unless the animal is safely restrained and the requirements of Section 4-32 are met.
- c) A person who violates this Section or who is the owner of a dangerous animal which attacks and injures a domestic animal is guilty of a misdemeanor and, upon conviction, for a first offense, must be fined not more than two hundred (\$200.00) dollars or imprisoned not more than thirty days. Subsequent offenses shall be referred to Beaufort County Sheriff's Office for investigation and prosecution.
- d) Cases in which the owner knows, or had reason to know, he or she has a dangerous animal and the animal attacks and injures a human being in violation of South Carolina Code of Laws Section 47-3-710(A)(2)(a) shall be referred to Beaufort County Sheriff's Office for investigation and prosecution.

#### **Sec. 14-48. Enforcement and penalties.**

- (a) The BCAS officer shall be charged with the responsibility of enforcing all ordinances enacted by the county and contracts entered into with the county for the care, control, and custody of pets or livestock covered by this article. All violations of this chapter shall be heard by the Beaufort County Magistrate Court.

The provisions of this article shall not apply to any dog or cat owned within the confines of any incorporated municipality within the county, unless and until the governing body of a municipality requests in writing that

County Council include the area of such municipality within the coverage of this article, and county administration has acted favorably on such request and has so notified such municipality of its approval of such request.

- (b) Any person who violates the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to a fine not exceeding the maximum allowed within the jurisdiction of the Beaufort County Magistrate Court or imprisonment not exceeding 30 days, or both, unless a different penalty is described within a specific Section of this Chapter. However, infractions as provided in paragraph (e) below, are intended to be non-criminal, civil penalties and not subject to jail time.
  - (1) *Liability to person bitten.* In addition to the above, if a person is bitten or otherwise attacked by a dog while the person is in a public place or is lawfully in a private place including the property of the dog owner or person having the dog in the person's care or keeping, the dog owner or person having the dog in the person's care or keeping is liable for the damages suffered by the person bitten or otherwise attacked. For the purposes of this section, a person bitten or otherwise attacked is lawfully in a private place, including the property of the dog owner or person having the dog in the person's care or keeping, when the person bitten or otherwise attacked is on the property in the performance of a duty imposed upon the person by the laws of this state, the ordinances of Beaufort County, the laws of the United States of America including, but not limited to, postal regulations, or when the person bitten or otherwise attacked is on the property upon the invitation, express or implied, of the property owner or a lawful tenant or resident of the property.
    - a. *Exemptions for liability.* This section does not apply if, at the time a person is bitten or otherwise attacked:
      - i. The person who was attacked provoked or harassed the dog and that provocation was the proximate cause of the attack; or
      - ii. The dog was working in a law enforcement capacity with a governmental agency and in the performance of the dog's official duties.
- (c) When any person is found guilty of a violation of the provisions of this chapter or has been found in noncompliance of a final dangerous dog determination of the court, a magistrate may order possession and custody of the animal to be surrendered permanently to BCAS at a BCAS facility.
- (d) Habitual violators. In addition to any legal remedy available under the provisions of this chapter, it shall be the duty of the BCAS to summon the owner of any animal(s) which is found guilty by the Beaufort County Magistrate Court of any three violations contained in this chapter in any 12-month period to abate any or all animals from owner's premise. If, after fully hearing the matter and any statement the owner may make any testimony he/she may offer in his/her behalf concerning the matter, should the Beaufort County Magistrate Court find such owner is unable or unwilling to adhere to the provisions of this chapter, the Beaufort County Magistrate Court shall issue a written order to the owner, directing and requiring him/her with a certain specified time to relocate the animal(s) to a home with a person unrelated to the owner or surrender the animal(s) to BCAS.
- (e) Infractions resulting in administrative citations and penalties. In addition to the remedies and penalties contained in this chapter, and in accordance with S.C. Code § 47-3-20, an administrative citation may be issued for certain infractions of county animal control ordinances. Infractions of this chapter subject to administrative citation and penalty are in the discretion of the BCAS officer. Violations which may be cited as an infraction include, but are not limited to: Mandatory dog licenses/registration, mandatory rabies vaccination, permitting a dog to run at large, mandatory spay/neuter, and/or warnings for a noisy public nuisance animal, or any violation of section 14-34. Dangerous dog determinations and any violations committed by a dangerous dog are not violations subject to administrative citations.

The following procedures shall govern infractions of this chapter and the imposition, enforcement, collection, and administrative review of administrative citations and penalties:

- (1) *Notice of infraction.* If an animal is owned, kept, maintained, or found to be in violation of a county animal control ordinance, an administrative citation may be issued by the BCAS officer.
- (2) *Content of citation.* The administrative citation shall be issued on a form approved by the BCAS director and shall contain the following information:
  - a. Date, location and approximate time of the infraction;
  - b. The ordinance violated and a brief description of the infraction;
  - c. The amount of the administrative penalty imposed for the infraction;
  - d. Instructions for payment of the penalty, and the time period by which it shall be paid and the consequences of failure to pay the penalty within the required time period;
  - e. Instructions on how to appeal the citation; and
  - f. The signature of the animal control officer.

The failure of the administrative citation to set forth all required contents shall not affect the validity of the proceedings.

- (3) *Service of administrative citation.*
  - a. If the person who has violated the county animal control ordinance is present at the scene of the infraction, the BCAS officer shall attempt to obtain his signature on the administrative citation and shall deliver a copy of the administrative citation to him/her.
  - b. If the owner, occupant or other person who has an infraction of a county animal control ordinance is a business, and the business owner is on the premises, the BCAS officer shall attempt to deliver the administrative citation to him/her. If the BCAS officer is unable to serve the business owner on the premises, the administrative citation may be left with the manager or employee of the business. If left with the manager or employee of the business, a copy of the administrative citation shall also be mailed to the business owner by certified mail, return receipt requested.
  - c. If no one can be located at the property where the infraction occurred, then the administrative citation shall be posted in a conspicuous place on or near the property and a copy mailed by certified mail, return receipt requested to the owner, occupant or other person who has violated the ordinance. The administrative citation shall be mailed to the property address and/or the address listed for the owner on the last county equalized assessment roll. The administrative citation shall also be mailed to any additional addresses for the owner in department records.
- (4) *Administrative penalties.*
  - a. The penalties assessed for each infraction of a county animal control ordinance shall not exceed the following amounts:
    - i. One hundred dollars for a first infraction;
    - ii. Two hundred dollars for a second infraction of the same administrative abatement order within one year; and
    - iii. Five hundred dollars for each additional infraction of the administrative abatement order within one year.
  - b. If the infraction is not corrected, additional administrative citations may be issued for the same infraction. The amount of penalty shall increase at the rate specified above.
  - a. Payment of the penalty shall not excuse the failure to correct the infraction nor shall it bar further enforcement action.
  - b. The penalties assessed shall be payable to the Beaufort County Treasurer Animal Control Services.

- c. Where the infraction would otherwise be a violation, the administrative penalty shall not exceed the maximum fine or infraction amount.
  - d. Failure to pay an administrative penalty may result in prosecution or petition for the original violation(s) in the Beaufort County Magistrate Court.
- (5) *Administrative appeal of administrative citation.*
- a. *Notice of appeal.* The recipient of an administrative citation may appeal the citation by filing a written notice of appeal with the BCAS. The written notice of appeal must be filed within 20 days of the service of the administrative citation set forth in subsection (3) above. Failure to file a written notice of appeal within this time period shall constitute a waiver of the right to appeal the administrative citation. The notice of appeal shall be submitted on county forms and shall contain the following information:
    - i. A brief statement setting forth the appellant's interest in the proceedings;
    - ii. A brief statement of the material facts which the appellant claims supports his contention that no administrative penalty should be imposed or that an administrative penalty of a different amount is warranted;
    - iii. An address at which the appellant agrees notice of any additional proceeding or an order relating to the administrative penalty may be received by mail;
    - iv. The notice of appeal must be signed by the appellant;
    - v. A check or money order is required, as a deposit, for the total penalty amount shown on the front side of the citation, before the administrative appeal will be scheduled; and
    - vi. Indigence must be proved to have the deposit waived.
  - b. *Administrative hearing of appeal.* Upon a timely written request by the recipient of an administrative citation, an administrative hearing shall be held as follows:
    - i. Notice of hearing. Notice of the administrative hearing regarding the administrative citation shall be given at least ten days before the hearing to the person requesting the hearing.
    - ii. The administrative hearing regarding the administrative citation shall be held before the public safety director, or a designee. The hearing officer shall not be the investigating BCAS officer who issued the administrative citation or his/her immediate supervisor. The BCAS director may contract with a qualified provider to conduct the administrative hearings or to process administrative citations.
    - iii. Conduct of the hearing. The investigating BCAS officer who issued the administrative citation shall be required to participate in the administrative hearing regarding the citation. The contents of the investigating BCAS officer's file may be admitted in support of the administrative citation. The hearing officer shall not be limited by the technical rules of evidence. If the person requesting the appeal of the administrative citation fails to appear at the administrative hearing, the hearing officer shall make a determination based on the information available at the time of the hearing.
    - iv. Hearing officer's decision. The hearing officer's decision regarding the administrative citation following the administrative hearing may be personally delivered to the person requesting the hearing or sent by mail. The hearing officer may allow payment of the administrative penalty in installments, if the person provides evidence satisfactory to the hearing officer of an inability to pay the penalty in full at one time. The hearing officer's decision shall contain instruction for obtaining review of the decision by the circuit court.
- (6) *Appeal to circuit court.* Any person who receives an unfavorable decision from the decision of an

administrative appeal may file an appeal with the circuit court in Beaufort County. The appeal to circuit court must be filed within 30 days of the notice of the administrative officer's decision being mailed to the recipient of an administrative citation.

***ARTICLE III. SPECIFIC TO THE TOWN OF BLUFFTON (No Changes)***