

## Staff Report

## Public Hearing

**Subject:** Ordinance Revision  
**Author:** Samantha Easton, Planner II  
**Department:** Development Services  
**Meeting Date:** April 16, 2024  
**Item Description:** Consideration to approve the amendment of the Code of Ordinances **Part II – Official Code: Chapter 10 – Animals** of the Effingham County Code of Ordinances.

### Summary Recommendation

Due to the increased Code Enforcement Violations by Effingham County residents in relation to owning Livestock in R Zoning Districts, Staff recommends **approval** of an update to the Animal Ordinance.

### Executive Summary/Background

- **On November 21, 2023, an amendment, known as “The Chicken Ordinance,” was adopted.**
- Commercial Livestock or Fowl has been defined.
- Terminology has been updated and defined.
- There are some changes to the Dog Park Rules & Regulations such as no livestock or fowl allowed in the park.
- Limiting the Number of Chickens for AR-1 and AR-2 has been removed, Lot Size minimums have been updated.
- The Backyard Hen Permit Fee has been removed.
- Lot size minimums are now in place to restrict livestock and horses on lots too small. These animals are only allowed in AR-1 and AR-2 zoning districts; however, the minimums are 1 acre.
- Swine are restricted by weight. Swine under 100lbs are allowed in AR-1 and AR-2, while Swine over 100lbs are only allowed in AR-1.

### Alternatives

1. **Approve an amendment** to the Code of Ordinances **Chapter 10 – Animals:**
2. **Deny an amendment** to the Code of Ordinances **Chapter 10 – Animals.**

**Recommended Alternative: 1**

**Other Alternatives: 2**

**Department Review:** FUNDING: N/A

**Attachments:** 1. Chapter 10 – Animals Red Line Version 2. Chapter 10 – Animals Clean Version

## Chapter 10 - ANIMALS<sup>14</sup>

### ARTICLE I. - IN GENERAL

#### Sec. 10-1. - Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Animal* means any living thing other than a plant or a human being.

*Animal control officer/department* *see Humane Enforcement*

*Animal shelter* means any facility operated by the county/city or its authorized agents for the purpose of impounding or caring for animals held under the authority of this chapter.

*Cat* means any member of the feline family of any age.

*City* means any municipality within the county that has duly adopted this chapter.

*Commercial Livestock or Fowl* means raising livestock or fowl is the primary business of the person or organization.

*Dog* means any member of the canine family, regardless of age, including pet foxes, wolves, coyotes, etc.

*Domestic animal* means any animal kept for pleasure rather than utility.

*Enclosure* means any uncovered, enclosed parcel of land where animals or fowl are kept.

*Guard dog* means any dog trained to attack persons or animals independently or upon verbal command, and any dog that, while not so trained, has a known propensity to attack persons or animals and is used for the purpose of providing security to any person or premises.

*Humane Enforcement* means any person or agency designated by the county/city as a law enforcement officer or agency for the specific purpose of enforcement of this chapter.

*Nuisance animal* means any animal that:

- (1) Molests passersby or passing vehicles;
- (2) Attacks other animals;
- (3) Trespasses on school grounds;
- (4) Is repeatedly at large;
- (5) Damages private or public property;
- (6) Barks, whines, or howls in an excessive, continuous, or untimely fashion; or
- (7) Constitutes a nuisance as the term is defined by the law of this state.

*Owner* means and includes any person having a right of property in an animal or who keeps or harbors an animal or has its care, or who permits any animal to remain on or about premises owned, possessed, or occupied by him, or who voluntarily abandons an animal or who runs an animal away after possessing or owning it.

*Rabies certificate* means a certificate signed by a licensed veterinarian bearing a license number, ownership, name, address, breed, color, and sex of dog or cat, which certificate shall be issued for each dog or cat vaccinated. The date of last vaccination of such dog or cat shall be clearly stated on such certificate, and a copy of such certificate is to be sent by the veterinarian to the animal control center.

*Running at large* means any animal, other than a hunting dog while hunting, not confined by its owner or keeper within walls or a fence of proper design, controlled by a leash, or kept in some manner as to keep it from coming in contact with members of the public.

*Swine* means pygmy pig, pot-belly pig, and all “pet” pigs.

*Unrestrained animal* means any animal not secured by leash or lead at least six feet in length, and not longer than 20 feet in length, or inside a fenced area within the real property limits of its owner.

*Vaccinate or inoculate* means the injection into the body of a dog or cat of an approved anti-rabies vaccine prescribed by the state, such vaccine having a U.S. government license number approval stamped on the label of the vaccine container, and which vaccine has been approved by the health department. Vaccine used for vaccination of dogs or cats against rabies shall have been refrigerated and kept under proper conditions showing no signs of spoilage or otherwise being unfit for producing immunity against rabies.

*Veterinarian* means any person who has received a doctor's degree in veterinary medicine from a school of veterinary medicine and holds a license to practice the profession of veterinary medicine in the state. The number of the veterinary license shall be the same as that recorded by the state board of veterinary.

*Vicious animal* means any animal that constitutes a physical threat to human beings or other animals.

#### Sec. 10-2. - Enforcement.

The civil and criminal provisions of this chapter shall be enforced by those persons or agencies designated by the county and cities. The **Humane Enforcement Officer** shall have the power to conduct such investigations as he may reasonably deem necessary to carry out his duties as referred to in this chapter, and for this purpose to enter at any reasonable time upon any property, public or private, for the purpose of investigating suspected violations of this chapter. It shall be unlawful for any person to interfere with an identified **Humane Enforcement Officer** in the performance of his duties.

#### Sec. 10-3. - Violations.

Whenever the county health department has determined that any provision of this chapter has been violated, prior to filing a warrant or accusation pertaining to such violation, the county health director may serve the owner of the premises on which the violation has occurred with a copy of this chapter, provide such owner with written notice of the violation, and allow such owner a reasonable time as determined by the county health director or his representative, but not exceeding 30 days, in order to permit such owner to avoid prosecution by correcting the condition constituting the violation.

#### Sec. 10-4. - Penalties.

Whenever in this chapter, including any conditions or safeguards established in connection with the grant of any variance or special exception by the county/city, any act is prohibited or is made or declared to be unlawful, or whenever in such chapter the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violator of such provision of this chapter shall, upon conviction thereof, be punished as provided in section 1-19. Nothing contained in this section shall prevent the county/city from taking such other lawful action as is necessary to prevent or remedy any violation of this chapter.

#### Secs. 10-5—10-35. - Reserved.

### ARTICLE II. - VACCINATION, IMPOUNDMENT

#### Sec. 10-36. - Vaccinations.

- (a) No person shall be allowed to vaccinate dogs or cats against rabies who is not licensed to practice veterinary medicine in the state.
- (b) A veterinarian or any person having vaccinated dogs or cats against rabies with inferior vaccine or any drug, chemical, or biological material, which is not specified in this article or that has not been approved by the health department, or who violates any provision of this article, in whole or in part, shall not be permitted to vaccinate dogs or cats against rabies.

Sec. 10-37. - Impoundment of animals.

- (a) Any dog found within the county not wearing or displaying a valid, current vaccination tag, and not confined within a fence on the premises of the owner with all gates and openings closed, shall be immediately impounded, quarantined, or otherwise disposed of as required by this chapter. Any dog found within the county not vaccinated as required by this chapter within the previous one to three years depending on the type of vaccine used shall likewise be impounded, quarantined, or otherwise disposed of as required by this chapter.
- (b) When any animal whose owner is unknown or incapable of being located is impounded subject to the provisions of this article, and such animal is injured or otherwise in a state of suffering, it shall thereupon be the duty of the animal control officer to obtain the opinion of a licensed practicing veterinarian as to the extent of such suffering or injury to such animal. When such opinion is that euthanasia should be performed, it shall then become the duty of the animal control officer to authorize such euthanasia. If the owner is located, it shall be done at the owner's expense.
- (c) Any dog or cat impounded under this chapter whose owner, possessor, or representative shall not come forward within three working days after the impoundment and pay the license tax and the fees specified in this chapter shall be put up for adoption or euthanasia in some humane way.

Sec. 10-38. - Examination of heads.

The heads of all domestic animals and of all wild animals suspected of having rabies before their death or having rabies at time of death shall be submitted to the state laboratory for examination. Either human or animal exposure to these animals shall constitute sufficient reason for laboratory examination.

Secs. 10-39—10-70. - Reserved.

ARTICLE III. - UNRESTRAINED ANIMALS

Sec. 10-71. - Dogs, cats, or livestock running at large prohibited.

- (a) It shall be unlawful for the owner or keeper of any cat or dog, other than a hunting dog during hunting season to permit them to run at large in the county/city, or to stray from the premises of the owner or keeper or go upon the premises of any other person.
  - (1) Hunting dogs will be allowed to run wooded areas, where permitted by the owner of the property, during deer hunting season as established by federal and/or state laws and regulations.
  - (2) All hunting dogs shall bear tags containing the owner's name, address, and phone number.
  - (3) All hunting dogs shall be vaccinated in accordance with state rabies shot regulations.
  - (4) All hunting dogs used in hunting game shall be properly supervised.

- (5) If any properly tagged hunting dog is taken into custody by the animal control unit, the dog shall be boarded for a minimum of five days by the animal control unit at the boarding cost provided in this article. No penalties shall be charged.
  - (6) If an owner does not repossess his dog within five days of the dog's having been taken into the custody of the animal control unit, the dog shall be treated as abandoned.
- (b) It shall be unlawful for the owner of any animal other than a dog or cat, including but not limited to cattle, sheep, goats, pigs, and horses, to allow such animal to feed or to be loose on any part of the right-of-way of any public road of the county/city.

**Sec. 10-72. - Pet animals prohibited in county/city recreational areas.**

It shall be unlawful for any person to bring any pet animal, dog, or cat of any age, whether or not such animal is on a leash, into any designated county/city recreational area or park. There shall be excepted from this provision.

(1) All police dogs and assistance dogs.

(2) Dogs, leashed, shall be allowed at boat ramps and along marked trails.

(3) Dogs, whether leashed or unleashed, shall be allowed only within the fenced area at any county recreational area or facility that is designated as a dog park. Animals running at large in county recreational areas or facilities, and unleashed dogs within the dog park in violation of the rules and regulations contained in section 10-72(c)(1) below, are prohibited.

a. Park rules. Use of the park is subject to the following rules and regulations:

1. Hours are 8:00 a.m. until dusk.
2. Use of the dog park is at your own risk.
3. Only dogs with current rabies vaccinations and all other vaccinations required by law shall be allowed to use the dog park.
4. Children under 16 years of age must be accompanied by an adult.
5. Food, alcohol, tobacco, illegal drugs, and glass containers are prohibited.
6. Unattended dogs are prohibited; all dogs must be supervised by persons of at least 16 years of age.
7. Dogs under four months of age are prohibited.
8. Female dogs in heat, and sick dogs, are prohibited.
9. **Livestock and fowl are prohibited.**
10. Leashes, pinch collars, or choke chains must be removed once dogs have entered the dog park.
11. No more than three dogs per person are permitted at any time.
12. Unleashed dogs are restricted to the area designated for their weight class.
13. Owners are required to clean up after their dog(s); deposit all litter in trash receptacles provided.
14. The dog park gate(s) must always remain closed.
15. All dogs must be leashed when preparing to enter and exit the dog park.
16. Agility equipment is for dog use only; children are not permitted to climb or play on the equipment.

17. Bicycles, inline skates, roller skates, skateboards, strollers and/or motorized carts and vehicles are prohibited.
18. Dogs must be always within sight and under voice control of their handler; aggressive behavior is prohibited.
19. Dog-training classes are prohibited.
20. Dog owners are responsible for filling any holes, or repairing other damage created by their pets.
21. Any dog or owner creating a disturbance shall be required to leave park property upon request of a county employee.

#### Sec. 10-73. - Confinement of animals.

- (a) Unrestrained dogs, nuisance animals, and animals found running at large shall be taken by the **Humane Enforcement Officers** of the county and impounded in the shelter and confined in a humane manner.
- (b) Impounded dogs and cats shall be kept for not less than three working days depending upon the physical condition of the animal, except where such dog or cat is found to be a nuisance, in which event the dog or cat shall be disposed of as required by the magistrate court judge.
- (c) Any owner reclaiming an impounded cat or dog shall pay a fee as set forth in the schedule of fees and charges on file in the office of the county clerk.
- (d) Any person adopting an impounded cat or dog shall be required to pay an adoption fee as set forth in the schedule of fees and charges on file in the office of the county clerk; except that the fee shall be waived for P.A.W.S. of Effingham County, Inc., and for the county humane society on animals they select to hold for adoption.

#### Sec. 10-74. - Nuisance.

Upon finding by the magistrate judge of the county, or the municipal judge of any city that any animal constitutes a public nuisance, the judge may order the owner or custodian to abate the nuisance by permanently removing the animal from the county limits or by whatever other means the judge deems reasonably likely to abate the nuisance. If the owner or custodian fails to abide by such order, the judge, after a hearing, may order that the animal be destroyed by the animal control officer.

#### Sec. 10-75. - Vicious animals and guard dogs.

- (a) It shall be unlawful for any person to take or keep any vicious animal outside a building or secure enclosure unless such animal is securely muzzled or caged.
- (b) It shall be the duty of each owner, tenant, or custodian of property upon which or within which a vicious dog is located to conspicuously and permanently post a notice on the outside of the property stating "WARNING BAD DOG," the letters to be one inch or larger. In case of a building, notice shall be conspicuously posted on or about each entrance and exit. In the case of a general enclosure in which a guard dog is located, the notices shall be conspicuously posted at every entrance or exit throughout the enclosure.

#### Secs. 10-76—10-110. - Reserved.

ARTICLE IV. - ANIMAL CARE

**Sec. 10-111. Keeping of dogs and cats.**

- (a) No person shall raise or keep or permit to be raised or kept on premises that he owns or controls inside the county limits or the limits of any municipality in the county any dog or cat unless:
  - (1) Each part of the premises of which such animal has access is at least ~~50 feet city~~/100 feet county from the nearest occupied dwelling house or business establishment of another person, and at least ten feet from any boundary or property line
  - (2) Cages or other shelters for such animals are kept clean.
  - (3) Pens and other enclosures are well drained.
- (b) It shall be unlawful for any person to keep any unrestrained dog other than a hunting dog.

**Sec. 10-112 Keeping of fowl. (also known as “The Chicken Ordinance”)**

- (1) Residential fowl is subject to the following regulations:
  - a. Permitted fowl: chickens, turkeys, guineas, geese, ducks, pigeons, or similar fowl
    - 1. Permitted fowl per zoning district:
      - a. All permitted fowl: AR-1
      - b. All non-commercial fowl: AR-2
    - 2. Conditional fowl per zoning district (MUST OBTAIN PERMIT FROM DEVELOPMENT SERVICES):
      - a. Chickens only (NO ROOSTERS, only hens): R-1
    - 3. Prohibited animals per zoning district:
      - a. Commercial fowl: AR-2
      - b. Turkeys, guineas, geese, ducks, swans, quails, partridges, pigeons, peafowls, and peacocks: R-1, and all other zoning districts.
    - 4. Minimum lot size:
      - a. ~~AR-1: five (5) acres~~
      - b. ~~AR-2: one (1) acre~~
      - c. ~~R-1: half (.5) acre~~
      - a. **AR-1, AR-2 & R-1: half (.5) acre**
  - b. Location of chicken coop from an occupied residential dwelling: 150 feet
  - c. Permitted number of approved poultry animals, collectively:
    - ~~1. Properties zoned AR-1: Maximum number may be fifteen (15) per acre.~~
    - ~~2. Properties zoned AR-2: Maximum number may be ten (10) per acre.~~
    - 3. Properties zoned R-1: Maximum number may be four (4) total.
  - d. Obtaining Backyard Hen Permit Process:
    - a. Items Needed:
      - 1. Application Submitted to the Development Services Department
      - 2. Plot plan showing chicken coop location and distance to neighboring residential dwellings.
      - 3. \$20 Animal Permit Fee**
    - b. Once application has been submitted it will be reviewed by the Zoning Department to verify minimum distance requirements.

- c. The Permit will be issued to the property owner. The permit must be readily available in case any code enforcement complaint comes in.
  - d. After being approved by zoning, code enforcement will be notified the property owner has received the Backyard Hens Permit.
- (2) Such fowl shall be kept at the following minimum distances from any occupied building except the dwelling unit of the owner:

<b>Animal</b>	<b>Distance (Feet)</b>
Chickens (4 or less in R-1)	150
Chickens, turkeys, guineas, geese, ducks, pigeons, or similar fowl (2 or more in AR-1 or AR-2)	200

**(3) Commercial fowl is subject to the following regulations:**

- i. Permitted fowl: chickens, turkeys, guineas, geese, ducks, pigeons, or similar fowl
  - a. Permitted fowl per zoning district:
    - i. All Commercial Fowl: AR-1
  - b. Prohibited fowl per zoning district:
    - i. Commercial Fowl in AR-2, R-1, and all other zoning districts.

**Sec. 10-113 Keeping of horses, livestock, and other animals.**

- (1) Keeping of horses, mules, donkeys, cows, sheep, goats, swine shall be prohibited except under the following conditions:
- a. Permitted animals per zoning district:
    - i. Commercial and Residential Horses, mules, donkeys, cows, sheep, goats, and all swine: AR-1
    - ii. Residential horses, mules, donkeys, cows, sheep, goats and Swine under 100lbs: AR-2
  - b. Prohibited animals per zoning district:
    - i. All horses, mules, donkeys, cows, sheep, goats, and all swine: R-1 and other districts.
  - c. Minimum lot size:
    - i. AR-1 and AR-2: one (1) acre
- (1) Any housing or enclosure used by such animals shall be well-drained and free from accumulations, and animal excrement shall be disposed of in a manner approved by the Health Officer or his designee.
- (2) Horse stables (not enclosures or fences) shall be a minimum of 300 feet from any occupied building except the dwelling unit of the owner unless the owner of the adjacent building and the Zoning Administrator give permission for a lesser distance in writing.
- (3) All animals except cats and dogs in areas where confinement of dogs under the rabies control regulations does not apply, shall be kept in adequate enclosures or tethered.
- (4) Such animals shall be kept at the following minimum distances from any occupied building except the dwelling unit of the owner:



<b>Animals</b>	<b>Distance (feet)</b>
Horses, mules, cattle, sheep, goats, or similar animals	300
Swine less than 100lbs (less than 4)	300
Swine less than 100lbs (4 or more)	900
Swine more than 100lbs (1 or more)	900
Dogs (4 or more)	150
Rabbits, Guinea Pigs, Hamsters, and similar animals (5 or more)...	200

Animals not specifically mentioned in this chapter shall be kept at minimum distances deemed reasonable and necessary by the Zoning Administrator or Humane Enforcement Officer.

Sec. 10-113. - General care and feeding.

- (a) No owner shall fail to provide his animal with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment.
- (b) No person shall beat, cruelly ill-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) No owner of an animal shall abandon the animal.

Sec. 10-114. - Animal waste.

The owner of every animal shall be responsible for the removal of any excrement deposited by his animal on public walks, recreation area, or private/public property, or county/city buildings.

Sec. 10-115. - Care of injured animals.

Any person who, as the operator of a motor vehicle, strikes a domestic animal shall immediately report the death or injury to the animal owner or to the animal control department.

Sec. 10-116. - Rabies inoculation.

- (a) *Required.*

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- (1) *Initial vaccination.* The owner of every dog, cat, or ferret three months of age or older shall have the animal vaccinated against rabies. Unvaccinated dogs, cats, or ferrets more than three months of age, that are acquired or moved into the county must be vaccinated within 30 days of purchase or arrival, unless there is documented evidence of current vaccination.
  - (2) *Revaccination.* The owner of every dog, cat or ferret shall have the animal revaccinated 12 months after initial vaccination. Thereafter, the interval between revaccinations should conform to the manufacturer's product labeling.
- (b) *Quarantine.*
- (1) Where rabies has been found to exist in any warm-blooded animal, or where its existence is suspected, the health department may designate an area within which quarantine shall be maintained as provided by the terms of this section. Every such animal shall thereupon be immediately confined to the premises designated by the health department whether or not the animal has been vaccinated against rabies.
  - (2) No animals shall be removed from or brought into a quarantined area without written permission of the health department. The application for such permission shall be in writing, filed with the health department, stating the reason for movement and the location at which the animal will be confined after movement.
  - (3) When quarantine is ordered by the health department, it shall be maintained for a period of 90 days, with the right of the health department to increase or diminish the period as, in its uncontrolled discretion, the public safety and health may require.
  - (4) Where an animal has been suspected of having rabies or has rabies symptoms, the area or premises where such animal is kept shall be posted by the health department with signs to read as follow: "Rabies suspected" or "Rabies, keep away from animal." Such signs shall be conspicuously displayed on the premises, printed with type that is easily legible, and shall remain on the premises for the duration of the quarantine.
  - (5) Persons living within a quarantine area having in their possession an animal subject to rabies or to the terms of this section shall be given written notice of the quarantine, the animal subject thereto, and an order to confine such animal so subject to the premises of the owner, together with any other information the health department deems advisable. Such notice shall be signed by a duly authorized agent of the health department.
  - (6) The violation by any person of any quarantine order issued by the health officer shall be a violation of this chapter, and the person so violating shall be subject to all the penalties prescribed by law for a violation.

#### Sec. 10-117. - Trap-neuter-return.

- (a) *Intent and purpose.* The intent of the Effingham County Board of Commissioners in enacting this article is to regulate a process for trapping, sterilizing, vaccinating for rabies, ear tipping, and returning cats to their original location as an effective and humane way to manage the population of cats [within] Effingham County. A process known as trap-neuter-return is the preferred approach for managing the cat population. This procedure shall be the prioritized disposition for any impounded community cats while funding is abundant.
- (b) *Definitions.* For the purposes of this section, the following terms shall be defined as such:

*Community cat* shall mean a free-roaming cat that may be cared for by one or more residents of the immediate area who is/are known or unknown; a community cat may or may not be feral.

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*Community cat caregiver* shall mean a person who, in accordance with and pursuant to a policy of trap-neuter-return, provides care, including food, shelter or medical care to a community cat, while not being considered the owner, harbored, controller or keeper of a community cat.

*Ear tipping* shall mean the removal of the distal one-quarter of a community cat's left ear, which is approximately three-eighths inch, or one centimeter, in an adult and proportionally smaller in kitten. This procedure is performed under sterile conditions while the cat is under anesthesia, in compliance with any applicable federal or state law, and under the supervision of a licensed veterinarian. Ear tips are designed to identify a community cat as being sterilized and lawfully vaccinated for rabies.

*Trap-neuter-return* shall mean the process of humanely trapping, sterilizing, vaccinating for rabies, ear tipping, and returning community cats to their original location.

(c) *Permitted acts.* The following actions shall be permitted in Effingham County as part of trap-neuter-return:

- (1) Trapping for the sole purpose of sterilizing, vaccinating for rabies and ear tipping community cats, in compliance with any applicable federal or state law, and under the supervision of a licensed veterinarian, where applicable.
- (2) An ear tipped cat received by local shelters will be returned to the location where trapped unless veterinary care is required. A trapped ear tipped cat will be released off site unless veterinary care is required.
- (3) Community cat caregivers are empowered to reclaim impounded community cats without proof of ownership solely for the purpose of carrying out trap-neuter-return and/or returning ear tipped community cats to their original locations.
- (4) A person who returns a community cat to its original location while conducting trap-neuter-return is not deemed to have abandoned the cat.
- (5) Trap-neuter-return shall be the preferred disposition for impounded community cats. Animal control and the local shelter are authorized and encouraged to conduct trap-neuter-return or to direct impounded community cats to a trap-neuter-return program.