

Ordinance 2-1004 & Amendments

PROPOSED ORDINANCE 4-2000

Introduced by :

AN ORDINANCE CREATING SECTION 2-1001 IN THE TOWN CODE OF EASTOVER SO AS TO ESTABLISH GUIDELINES FOR ANIMAL CONTROL WITHIN THE MUNICIPAL LIMITS.

WHEREAS, Richland County Council has found that the free run of domestic pets within the County endangers the health and safety of the residents of the county and has provided a system of animal control without the county cited as Chapter 5 of the Richland Country Code: and

WHEREAS, the Town Council finds that the free run of domestic pets within the Town limits endangers the health and safety of the residents of Eastover , as well as, business owners and visitors to Town ; and

WHEREAS, the Richland County Ordinance limits certain applications of the County's Animal Control Code within the Town limits ; and

WHEREAS, the Town has the authority to contract with other political subdivisions for mutual benefit,

NOW THEREFORE BE IT ORDAINED IN MEETING DUALY ASSEMBLED , that Section 2 of the Code of Ordinances be amended by adding Section 2-1001 to read as follows:

SECTION 2-1001:

A. Definitions.

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

- (1) The term " animal" shall mean in addition to dog and cat, any organism of the kingdom of Animalia, other than human being.
- (2) The term " animal control officer" shall mean any person employed by Richland County to enforce the County's animal control program.
- (3) The term " Animal Control Shelter" shall mean the City of Columbia's animal shelter.
- (4) The term "dog" shall mean all members of the canine family.
- (5) The term "pet" shall mean dogs and cats.
- (6) The term "owner" shall man any person keeping or harboring a pet.
- (7) The term "Chief of Animal Control" shall mean that person employed by the County to administer the animal control program.
- (8) The term "at large" shall mean a dog running off of the premises of the owner or keeper

and not under the physical control of the owner or keeper by means of a leash or other similar restraining device.

(9) The term "under restraint" shall mean a dog which is on the premises of its owner or keeper or if accompanied by its owner or keeper and under the physical control of such owner or keeper by means of a leash or other similar restraining device.

(10) The term "nuisance" shall mean an animal which 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.

B. County License Fees and rabies vaccination tags.

It shall be unlawful for the owner of any pet to fail to provide any pet over six (6) months of age with a current Richland County pet license tag. The owner of any pet over six (6) months of age must also have a current rabies vaccination tag showing that such animal(s) has been vaccinated by a licensed veterinarian. Any pet owner who moves into the Town for the purpose of establishing residency shall have thirty (30) days in which to obtain the county license and vaccination tag.

C. Dangerous and Vicious Dogs.

1. No person owning or harboring or having the care or the custody of a dangerous dog may permit the dog to go unconfined on his premises. A dangerous dog is unconfined as the term is used in this section if the dog is not securely confined indoors, or confined in a securely enclosed and locked pen or a dog-run area upon the person's premises. The pen or dog-run area also must have either sides six feet high or a secure top. If the pen or structure has no bottom secured to the sides, the sides must be imbedded into the ground at a depth of no less than one (1) foot. However, the provisions of this section shall not apply to any dog that is owned by a licensed security company and is on patrol in a confined area.

2. For the purposes of this section a dangerous or vicious dog shall be defined to be any one of the following:

- a) Any dog with a propensity, tendency or disposition to attack, to cause injury to, or to otherwise endanger the safety of human beings or other domestic animals; or
- b) Any dog which attacks a human being or other domestic animal one or more times without provocation whether or not such attack occurs on the premises of the dog's owner; or
- c) A dog owned or harbored primarily or in part for the purpose of dog fighting or a dog trained for dog fighting.

3. Any animal which has been determined by the Town Police to be a dangerous or vicious animal may be impound and may not be redeemed unless such redemption is authorized

by the Chief of Animal Control for Richland County.

E. Running at Large or Restraint.

1. All dogs must be kept under restraint or confinement. Any dogs not restrained or confined will be deemed unlawfully running at large in the Town.
2. Owners of dogs allowed to run at large are guilty of a misdemeanor and are subject to the penalties provided by municipal law for violation of this section. The citation will prescribe the amount of bond to be posted by the violator at the city judge's court. A warrant will be issued and served on violators who fail to post bond within three (3) days after issuance of the citation.

F. Running

1. Any animal found running at large within the Town shall be euthanized or made available for adoption by the animal shelter if the owner does not redeem said animal within the allocated time.
2. The owner of every pet shall be responsible for the removal of any excrement deposited by his pet on public walks and ways, recreation areas, or private property.

G. Impounding.

Any pet found within the Town in violation of the provisions of this section may be caught and impounded by town or county authorities. If an animal cannot be caught in a safe, efficient manner, animal control personnel may tranquilize the animal by use of a tranquilizer-gun. Impounded animals not redeemed within five (5) days may, thereafter, be humanely destroyed by the county's Animal Control Division or such other agency as the Town has selected to impound animals caught running at large.

1. The City of Columbia or any agency selected by the Town for impoundment of animals may transfer title of all pets held at its shelter after the legal detention period has expired and the pet has not been claimed by its owner.
2. Immediately after impounding a pet wearing a rabies tag or a county license tag, a reasonable effort will be made to locate the owner and to inform him of the circumstances under which he may regain custody of the pet impounded by the Town or its agent reflecting its disposition.
3. Any dog found at large may be impounded by the Town's police or county's animal control officer and may not be redeemed by its owner unless such redemption is authorized by the county's chief of animal control with assurances from the owner that proper care and custody will be maintained.

H. Redemption

The owner or keeper of any pet which has been impounded under provisions of this ordinance shall have the right to redeem such pet at any time within five (5) days upon payment of a fee set by the contract between the Town and some animal shelter

In addition to the redemption fee, a per day per pet board fee, as set by the town's contract with the entity providing impound services, will be paid by the owner or keeper when a pet is redeemed after the five (5) day detention period.

I. Adoption.

Any pet impounded under the provisions of this article may at the end of the legal detention period be adopted, provided however, the new owner must agree to comply with the provisions set out in the contract between the Town and any entity agreeing to provide impoundment service for the town.

J. Injured or Diseased Pets.

Anyone striking an animal with a motor vehicle or bicycle shall notify the Town police who will then take action necessary to make proper disposition of the animal. Any pet received by the Town's animal shelter in critical condition from wounds, injuries, or disease must receive sustain treatment by a licensed veterinarian until such time as the time as the owner of the pet is contacted. Any such pet in critical condition, as described in this section, may be humanly destroyed if the owned can not be contacted in five hours. If the animal is in severe pain it may be destroyed immediately.

K. Nuisance Animals.

1. The actions of an animal constitute a nuisance when an animal 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.

2. It shall be unlawful for any person to own, keep, possess or maintain an animal in such a manner so as to constitute a public nuisance. By way of example, and not of limitation, the following acts or actions by an owner or possessor of any animal are hereby declared to be a public nuisance and are, therefore, unlawful:

(a) Failure to exercise sufficient restraint necessary to control an animal as required by subsection E.

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

- (c) Failing to maintain a dangerous animal in a manner prescribed in subsection C.
- (d) Maintaining animals in an environment of unsanitary conditions which results in offensive odors or is dangerous to the animal or to the public health, welfare, or safety.
- (e) 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 animals.
- (f) Allowing or permitting an animal to bark, whine, or howl in an excessive, 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 use and enjoyment of neighboring premises.
- (g) Maintaining an animal that is diseased and dangerous to the public health.
- (h) Maintaining an animal that habitually or repeatedly chases, snaps at, attacks, or barks at pedestrians, bicycles or vehicles.

3. A pet which has been determined to be a habitual nuisance by the town police may be impounded and not be returned to the owner until the owner can produce evidence that the situation creating the nuisance has been abated.

4. Every female pet in heat shall be kept confined in a building or secure enclosure in such manner as will not create a nuisance by attracting other animals.

L. Abandonment.

It shall be unlawful for any owner to abandon or otherwise fail to provide for the care or humane disposal of a pet in the Town.

M. Interference With Animal Control Officers.

It shall be unlawful for any person to interfere with, hinder or molest the Town police or animal control officer in the performance of their duty or seek to release any pet in their custody without their consent.

BE IT FURTHER ORDAINED IN MEETING DUALY ASSEMBLED,

A. Authority.

The Mayor is herein granted the authority to negotiate contracts with Richland County, the City of Columbia, or any other political subdivision or not-for-profit entity for such services as the Mayors determines is necessary to enforce the animal control ordinance. No agreement may be

signed by the Mayor or attested by the Town Clerk until the Council approves the signing by resolution.

B. Sevarability.

If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

C. Conflicting Ordinances Repealed.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

D. Effective Date.

This ordinance shall be effective on the date of adoption, with the exception of, the provisions dealing with sheltering and redeeming of animals which will become effective on the date the Mayor enters into a contract for services with Richland County, the City of Columbia, or another political subdivision or not-for-profit entity providing animal sheltering services.

DONE IN council ____ day of _____, ____.

MAYOR: _____

TOWN CLERK: _____

TOWN ATTORNEY: _____

(Approved as to form)

1st Reading: 2-7-00

2nd Reading: 4-16-02

Ordinance no. 2000 -

3RD Reading _____