



## COUNTY OF LEXINGTON, SOUTH CAROLINA

### ORDINANCE 17-01

#### **An Ordinance Amending the Lexington County Animal Control Ordinance to Allow for the Implementation of the Community Cat Program**

**Whereas, the County of Lexington (County) has been approached by Pawmetto Lifeline to establish a Community Cat Program pursuant to the terms of an agreement with Pawmetto Lifeline; and**

**Whereas, in order to establish the Community Cat Program, certain provisions of the County Animal Control Ordinance as it relates to cats need to be amended;**

**Now, Therefore, be it ordained and enacted by Lexington County Council as follows:**

**Section 1. Chapter 10, Article II – Animal Control is amended to read as follows:**

ARTICLE II. - ANIMAL CONTROL

DIVISION 1. - GENERALLY<sup>[2]</sup>

Sec. 10-31. - Definitions.

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

*Abandonment* means a situation in which the owner/caretaker of a pet does not provide for humane disposal of the pet, or transfer ownership to a responsible person or who does not provide or arrange for adequate food, water, shelter and care. This section does not include the responsible release of cats participating in the Community Cat Program.

*Animal control officer* means the person employed by the county as the enforcement officer of the provisions of this article.

*Animal shelter* means any premises so designated by the county council for the purpose of impounding and caring for all pets found in violation of this article or which the owner/custodian or citizen surrenders.

*Attack dog* means a dog that has been trained to attack persons independently or upon verbal command or hand signal.

*At large* means any dog that is not under restraint. Any dog not so restrained will be deemed unlawfully running at large.

*Cattery* means any person engaging in the business of breeding, buying, selling or boarding of cats.

*Commercial boarding kennel/cattery* means any establishment for the commercial boarding, grooming, sale or training of dogs/cats for which a fee is charged. An animal hospital maintained by a licensed veterinarian as part of the practice of veterinary medicine for the treatment of animals shall not be considered a "commercial boarding kennel/cattery."

*Commercial breeding kennel/cattery* means any person, partnership or corporation or other legal entity that owns, keeps, harbors or is custodian of pets kept or used for stud for which a fee is charged and/or for breeding purposes for which a fee is charged for the offspring. Commercial breeding kennel/cattery shall not include:

- (1) Livestock and other farm animals used in customary and normal agricultural husbandry practices.
- (2) A fancier's kennel/cattery.

*Community Cat Program* means the terms of an agreement with a pet facility that maintains measures to reduce the number of stray cats within the county by trapping, neutering/spaying, ear tipping and returning the cat to the area in which it was trapped.

*Community Cat* - means a cat that is domesticated which lives indoors and outdoors (sometimes called free roaming) and/or a feral cat, which means a cat that is unsocialized or unaccustomed to human interaction. Domesticated cats referred to in this section may or may not be owned by a custodial party.

*Custodian* means any person having custody or custodial power.

*Dangerous pet* means any pet evidencing characteristics usually associated with an abnormal inclination to attack other pets or persons without provocation.

*Exposure to rabies* means any person or pet that has been bitten by or exposed to any pet known to have been infected with rabies. The county health department or a licensed veterinarian shall make this determination.

*Fancier* means a person who owns or keeps three or more dogs or cats for noncommercial hunting or for breeding purposes in order to regularly participate in tracking, exhibition in shows, or field or obedience or performance trials at AKC (American Kennel Club), UKC (United Kennel Club) or CFA (Cat fancier Association) licensed shows.

*Fancier's kennel* means a private kennel maintained by a fancier to keep or train dogs or cats.

*Guard dog* means any dog that is reasonably expected to perform as a guardian of its owner/custodian and/or the property upon and within which the dog is located and is owned by a licensed security service or commercial establishment.

*Hybrid* means the offspring of wild animals crossbred with domesticated dogs and cats.

*Kennel* means any person engaging in the business of breeding, buying, selling or the boarding of dogs.

*Maltreatment* means the act of any person who deprives any pet of necessary sustenance or shelter, or inflicts unnecessary pain or suffering upon any pet, or causes these things to be done.

*Owner* means any person who:

- (1) Has a right of property in a pet.
- (2) Keeps or harbors a pet or who has it in his care or acts as its custodian.
- (3) Permits a pet to remain on or about any premises occupied by said person for a period of five or more days.

*Pet* means dog or cat.

*Pet shop* means any person, partnership, or corporation, whether operated separately or in connection with another business enterprise or other legal entity that buys or brokers any species of animal for resale as pets.

*Public nuisance* means any dog found at large or making loud or objectionable sounds.

*Restraint* means a situation in which a dog is:

- (1) Controlled by a leash when outside the property limits of its owner/custodian.
- (2) Under the control and obedient to the owner/custodian's commands within the property limits of the owner/custodian.
- (3) Confined in a secure enclosure.

*Shelter* shall be defined as a structure appropriately sized for the dog to stand or lie in a normal manner. The structure must have a roof, three sides, appropriate sized opening for ingress and egress and a dry floor so as to protect the dog from the elements of weather.

*Sterilized pet* means any pet that has had surgery to remove the reproductive organs.

Sec. 10-32. - Commercial breeding kennels/catteries.

No person shall own or operate a commercial breeding kennel/cattery within the county without first obtaining a certificate of inspection from the animal services division, issued pursuant to this section for which a fee of \$200.00 shall be paid for a two-year period. The fees shall be collected by animal services and turned over to the county treasurer. Such fees shall go toward the cost of defraying the expense of operating the animal shelter.

Sec. 10-33. - Pet identification.

Every owner/custodian is required to see that an identification tag is securely fastened to his or her dog's collar or harness. The tag will clearly indicate the name and phone number of the owner and must be worn by the dog at all times, unless the dog, accompanied by the owner/custodian, is engaged in hunting or other activity where a collar might endanger the dog's safety.

Sec. 10-34. - Restraint and confinement.

- (a) The owner/custodian shall keep his dog under restraint at all times.
- (b) Invisible fencing must be clearly marked and labeled (i.e. sign on mailbox post, tree).
- (c) No dog shall be permitted to be on school grounds or in a shopping area or similar public place unless on a leash at all times.
- (d) 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 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. The animal must not be removed from such building or enclosure unless the pet is securely muzzled and under restraint.
- (e) Every female dog in heat shall be kept confined in a building or secure enclosure or in a veterinary hospital or boarding kennel in such a manner so as not to create a nuisance by attracting other pets.
- (f) Any person reporting a violation of this section must identify himself to the animal control officer and must sign a nuisance violation.
- (g) It shall be unlawful for any person to keep upon his premises any dog that is deemed a public nuisance.
- (h) If an animal control officer observes a dog at large, they may pursue the animal onto private property.

- (i) The owner of every dog shall be responsible for the removal of any excreta deposited by the dog on public walks and ways, recreation areas, or private property.
- (j) No dog shall be kept on a property that the owner/custodian does not occupy on a permanent basis.

Sec. 10-35. - Abandonment and maltreatment.

- (a) It shall be unlawful for the owner/custodian of any pet in the county to abandon it. This section does not prohibit the responsible release of cats participating in the Community Cat Program.
- (b) It shall be unlawful for anyone in the county to treat any pet in a cruel and/or inhumane manner.

Sec. 10-36. - Impoundment.

- (a) Immediately after impounding any pet, the animal control officer shall make a reasonable effort to notify the owner/custodian of its impoundment and to inform the owner/custodian of the conditions whereby he can regain custody of the pet.
- (b) Any pet impounded under the provisions of this article and not claimed by its owner within five business days becomes the property of Lexington County Animal Services and may be humanely destroyed by animal services.

Sec. 10-37. - Dangerous dogs.

- (a) The Animal Services Director shall have the authority to determine if a dog is a dangerous dog. Animal Services must notify the owner/custodian of the dog in writing that the animal must be registered with Animal Services as dangerous.
- (b) The owner shall notify animal services if any changes occur with the following:
  - (1) Ownership of the dog.
  - (2) Name, address and telephone number of a new owner/custodian.
  - (3) Address change of the owner/custodian or any change in the location in which the dog is housed.
  - (4) Any change in the health status of the dog.
  - (5) Death of the animal.
- (c) If the dog is outdoors and attended, the dog shall be muzzled, on a leash and under the control of the owner/custodian.
- (d) If the dog is outdoors and unattended, the dog must be locked in an escape-proof kennel. Minimum standards shall include the following:
  - (1) Fencing materials shall not have openings with a diameter of more than two inches; in the case of a wooden fence, the gaps shall not be more than two inches.
  - (2) Any gates within such pen or structure shall be padlocked and of such design to prevent the entry of children or the escape of the dog.
  - (3) The required pen or structure shall have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides shall be imbedded into the ground or concrete.
  - (4) The pen or structure shall protect the animal from the elements.
  - (5) A universal sign denoting a dangerous animal shall be displayed on all four sides of the pen or structure.
- (e) It shall be illegal for anyone to own or be the custodian of a hybrid.

Sec. 10-38. - Redemption.

- (a) The owner shall be entitled to resume possession of an impounded dog, except as provided in this section in the cases of certain dogs, upon providing proof of a valid rabies inoculation for the year in which the dog is being held and proper identification requirements and the payment of redemption fees set forth in this section.
- (b) In the case of a dangerous dog that the owner has failed to control properly and which has been impounded, redemption may be made only with the consent of the animal services director.
- (c) The owner of an impounded dog must apply for the redemption of his dog. The dog may not be released unless authorized by the animal control officer with assurance from the owner that proper care and custody will be maintained.
- (d) The fees in this subsection shall be collected from the owner by Animal Services and turned over to the county treasurer, who shall make a monthly accounting of such funds. Such fees, when collected, shall go toward defraying the expense of operating the animal shelter. An initial fee of \$15.00 will be charged for impoundment for a period of one to five days. The additional sum of \$5.00 will be charged for each day the animal is kept beyond five days. Upon a second offense, a fee of \$30.00 will be charged. Upon a third offense, if the Animal Services Director allows the dog to be reclaimed, a fee of \$50.00 will be charged.
- (e) If an owner redeeming a dog cannot show proof of inoculation against rabies for the year in which the dog is being held, the owner shall be required to pay \$10.00 for the rabies inoculation.

Sec. 10-39. - Adoption.

- (a) Any pet impounded under the provisions of this article may, at the end of the legal detention period, be adopted by a person deemed to be a responsible and suitable owner, who will agree to comply with the provisions of this article. All required fees must be paid at the time of adoption in addition to an adoption fee. Those individuals adopting puppies or kittens too young to receive rabies inoculation will pay the cost for this procedure at the time of adoption and be given an appointment for a later time to have this procedure accomplished.
- (b) No unsterilized pet, which has been impounded by animal services, shall be allowed to be adopted unless it has been sterilized.

Sec. 10-40. - Injured, diseased and dead animals.

- (a) Anyone who strikes a pet with a motor vehicle or bicycle and injures or kills the pet must notify animal services or the sheriff's department immediately. The animal control officer or the sheriff's department will then take the necessary steps to provide for the proper treatment or disposal of the pet.
- (b) Any pet received by animal services in critical condition from wounds, injuries or disease may be destroyed at the discretion of the Animal Services Director and/or the Animal Services veterinarian if the owner/custodian cannot be contacted. If the pet is suffering great pain, it may be destroyed immediately.
- (c) The owner/custodian of any pet, which dies, shall immediately provide for its burial or cremation if he knows of its death and the location of its remains. If he fails to do so within three hours, the animal control officer shall arrange for the disposal and the owner/custodian shall be required to pay the cost thereof, not to exceed \$50.00.
- (d) The animal control officer shall cause to be collected all dead domestic animals found on public grounds or roadways of the county. If the animal is identifiable, the animal control officer will notify

the owner/custodian of the animal as soon as practical. Citizens may call 785-8364 if the animal is on a county road or 359-4103 if the animal is on a state road.

Sec. 10-41. - Pet regulations—Commercial purposes.

- (a) No person shall sell, trade, barter, auction, lease, rent, give away, or display for commercial purpose, any pet, on a roadside, public right-of-way, public property, commercial parking lot or sidewalk, fair or carnival.
- (b) No person shall offer a pet as an inducement to purchase a product, commodity or service.
- (c) A flea market pet sale vendor must:
  - (1) Possess a valid registration with Lexington County Animal Services.
  - (2) Display, at all times, the Lexington County Animal Services' registration certificate at the booth.
  - (3) Permit kennel and booth inspections by Lexington County Animal Services upon request.
- (d) Licensed pet shops, commercial kennels, county animal shelters, and licensed pet rescue organizations may be exempt from the requirements of this section with prior written approval from the animal services director or designee. The written approval document must be kept on site and produced upon request to law enforcement and code enforcement personnel.

Sec. 10-42. - Enforcement of article.

- (a) The provisions of this article shall be enforced by animal services under the supervision of the director in all unincorporated areas of the county except wherein the governing body of any municipality, by resolution filed with the clerk, so indicates that it desires the provisions of this article be enforced within the jurisdictional limits of the respective municipality.
- (b) The animal services' staff shall be appointed as county code enforcement officers.
- (c) If the animal control officers are unable to respond to complaints due to other commitments, the county sheriff's department or other authorized law enforcement agency may respond to complaints.
- (d) Persons empowered to enforce this article shall have the authority to destroy any pet, which appears to be dangerous, and may endanger their safety or the safety of other persons or animals. Further, after reasonable attempts to capture and/or restrain unsuccessfully a dog in violation of section 10-34, restraint and confinement (by physical means and/or trapping), as a last resort, petition the magistrate to have the dog destroyed.
- (e) The animal control officers will, if necessary, obtain a search warrant to enter any premises upon which it is suspected a violation of this article exists. The officer may demand to examine such pet and take possession of the pet when, in his opinion, it requires removal from the premises.
- (f) No person shall interfere with, hinder or molest the animal services' staff in the execution of their duties, or seek to release any pet in the custody of animal services.
- (g) When a pet is found in violation of any provision of this article, animal control officers, at their discretion, may:
  - (1) Impound the pet.
  - (2) Issue notice of violation.
  - (3) Issue court summons.

Sec. 10-43. - Penalty for violation of article.

The violation of any section of this article shall constitute a misdemeanor and shall be punishable under magistrate's court jurisdiction.

Secs. 10-44—10-60. - Reserved.

## DIVISION 2. - RABIES CONTROL<sup>[3]</sup>

Sec. 10-61. - Inoculation; certificate; tags.

- (a) No person shall own, keep or harbor any pet within the county for longer than 60 days unless such pet has been inoculated against rabies as provided in this section.
- (b) Every owner/custodian of a pet will have his pet inoculated against rabies in such a manner as to provide continual protection.
- (c) A state board of health certificate of pet rabies vaccination will be issued by a licensed graduate veterinarian for each pet stating the name and address of the owner, the name, breed, color and markings, age, sex of the animal and the veterinary or pharmaceutical control number of the vaccination.
- (d) Coincident with the issuance of the certificate, the licensed graduate veterinarian shall also furnish a serially numbered metal license tag bearing the same number and year as the certificate. The metal license tag shall bear the name of the veterinarian who administered the vaccination and shall at all times be attached to a collar or harness worn by the pet for which the certificate and tag has been issued.
- (e) The owner/custodian shall have a valid certificate of rabies immunization readily available for inspection by competent authority at all times.
- (f) If a rabies tag is lost, the owner will obtain a duplicate tag without delay.
- (g) If there is a change in ownership of a pet during the valid period of immunization, the new owner may have the current certificate of immunization transferred to his name.
- (h) A certificate of rabies immunization issued by a licensed veterinarian from another state will be accepted as valid evidence.
- (i) It shall be unlawful for any owner/custodian of any pet, which has not been inoculated as required by this division to allow it to run at large.

Sec. 10-62. - Owners required to notify authorities of suspected rabid animals.

Whenever a pet or other animal is affected by rabies or suspected of being affected by rabies or has been bitten by an animal known or suspected to be affected by rabies, the owner of the animal or any person having knowledge thereof shall forthwith notify the animal control officer and the county health department stating precisely where the animal may be found.

Sec. 10-63. - Animal control officer to arrange for confinement of animal that has bitten a person.

The animal control officer, in conjunction with the county health department, shall arrange for the supervised confinement of any pet or other animal, which has bitten a person. Such confinement may be on the premises of the owner/custodian if the owner/custodian will sign an agreement assuming total responsibility for the safe confinement of the pet or other animal. Confinement shall be at the county animal shelter, a private animal shelter, veterinary hospital or humane society shelter at the owner's expense.

Sec. 10-64. - Required period of confinement of animal that has bitten a person; examination during confinement.

Any pet or other animal, which has bitten a person, must be confined for a period of at least ten days. The county health department or the animal control officer will be permitted by the owner/custodian of such pet or animal to examine the animal at any time, and daily if desired, within the ten-day period of confinement to determine whether such animal shows symptoms of rabies. No person shall obstruct or interfere with the animal control officer or the county health department in making such examination.

Sec. 10-65. - Notice to owner of animal, other than dog or cat that has attacked or bitten a person.

In the case of a pet other than a dog or cat which has attacked or bitten a person, the county health department shall serve notice upon the owner/custodian of such pet that the owner/custodian shall have the animal euthanized immediately and have the brain submitted for rabies examination.

Sec. 10-66. - Confinement of animals bitten by known or suspected rabid animals.

The county health department shall serve notice in writing upon the owner/custodian of a pet or other animal known to have been bitten by an animal known or suspected of being affected by rabies requiring the owner/custodian to confine such animal for a period of not less than six months; except that, animals properly treated with antirabic vaccine shall be confined for a period of not less than three months.

Sec. 10-67. - Killing or removing from jurisdiction suspected rabid animals prohibited; exception.

No person shall kill, or cause to be killed, any rabid pet or other animal, or one suspected of having been exposed to rabies or which has bitten a person, nor remove such pet or animal from the jurisdiction of the county without written permission of the county health department. An exception to the preceding requirement is in the event of the possibility of the animal's escape or additional biting in which case the animal is to be killed and the county health department notified immediately.

Secs. 10-68—10-90. - Reserved.

### DIVISION 3. - EXOTIC ANIMALS

Sec. 10-91. - Definition of exotic animals.

*Exotic animal* means those species of animals that are exotic to humans. Exotic animals include:

(1) Class Mammalia.

- a. Order Artiodactyla (only hippopotamuses and giraffes).
- b. Order Carnivora (only those specified below).
  1. Family Felidae [(all species except domestic cats) this includes lions, tigers, cougars, leopards, ocelots, servals].
  2. Family Canidae (only wolves, coyotes and jackals).
  3. Family Ursidae (all bears).
  4. Family Hyaenidae (hyenas).
- c. Order Perissodactyla (only rhinoceroses).
- d. Order Primates (only gorillas).
- e. Order Proboscidae (elephants).

(2) Class Reptilia.

- a. Order Squamata (only varanidae family animals specified below).



- b. Family Varanidae (only water monitors and crocodile monitors).
- c. Order Crocodilia (such as crocodiles, alligators, caimans, gavials, etc.) all species.

Sec. 10-92. - Prohibition.

It shall be unlawful to keep, maintain, or have in his or her possession or control within the unincorporated portion of Lexington County any exotic animal as defined herein.

Sec. 10-93. - Provisions.

The provisions of section 10-92 shall not apply to Riverbanks Zoo and Lexington County approved circuses that are within the unincorporated area of the county.

Sec. 10-94. - Penalty.

Any person violating the provisions of section 10-92 shall be subject to the maximum penalty as authorized by the magistrate's court and as further set forth in the general penalty, section 1-8 of the Lexington County Code of Ordinances. Lexington County Animal Services may take immediate possession of an exotic animal and transfer the exotic animal to a rescue group outside of Lexington County.

This Ordinance will take effect on October 1, 2017.

ENACTED this 26<sup>th</sup> day of June, 2017

LEXINGTON COUNTY, SOUTH CAROLINA

By: M. Todd Cullum  
M. Todd Cullum, Chairman  
Lexington County Council

Attest:

By: Diana W. Burnett  
Diana W. Burnett  
Clerk to Council

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