

ARTICLE I. IN GENERAL

Secs. 12-1—12-30. Reserved.

ARTICLE II. NOISE¹

Sec. 12-31. 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. Except as otherwise provided, all words in this article shall be given their ordinary and customary meaning.

Ambient noise means the generally prevailing sound or combination of sounds at the location where a listener receives the sound of the noise about which a complaint is being made. It is the sound or combination of sounds which a person of ordinary sensibilities would reasonably expect to encounter at the location in the ordinary and customary use of the premises.

County means Oconee County, South Carolina.

County administrator means the county administrator for Oconee County, South Carolina.

(Ord. No. 2016-20, § 1(Att. A), 5-16-2017)

Sec. 12-32. Prohibited noise generally.

Any noise of such character, intensity, or duration which substantially interferes with the comfortable enjoyment of persons of ordinary sensibilities occupying, owning, or controlling nearby properties or of persons making use of public properties for their intended purposes, is hereby declared to be unlawful and to be a nuisance, and is prohibited.

(Ord. No. 2016-20, § 1(Att. A), 5-16-2017)

Sec. 12-33. Standard of reasonableness and use of technology.

It is the intent of the county in regulating noise to take into account the latest scientific advances in noise measurement and control while at the same time preserving common sense and common law determinations of what constitutes a disturbance or public nuisance. Therefore, technological sound level measurements, while

¹Editor's note(s)—Ord. No. 2016-20, § 1(Att. A), adopted May 16, 2017, amended Art. II in its entirety to read as herein set out. Former Art. II, §§ 12-31—12-36, pertained to similar subject matter, and derived from Ord. No. 1998-02, §§ 1—6, adopted Apr. 28, 1998; Ord. No. 2009-28, §§ 1—4, adopted Feb. 3, 2010; and Ord. No. 2015-09, § 1(Att. A), adopted Mar. 17, 2015.

State law reference(s)—Authority to abate nuisances created by the operation of business establishments in an excessively noisy manner, S.C. Code 1976, § 4-9-30(16.2).

desirable, shall not be required to demonstrate a violation of this article or any other ordinance or statute which establishes the creation of disturbance or public nuisance. Additionally, decibel level measurements less than those specified in this article may nonetheless establish a violation of this article when due regard is made for the time, place, and circumstances of the noise. In order for measurement requirements to be omitted, however, there must be three or more independent and individual complaints registered or one or more independent and individual complaint when combined with the complaint of the law enforcement officer.

(Ord. No. 2016-20, § 1(Att. A), 5-16-2017)

Sec. 12-34. Specific noises prohibited.

- (a) *Operation of certain instruments, devices and equipment.* Nuisance noises shall include, but not be limited to, the use or operation of the following instruments, devices, or pieces of equipment when operated in the manner prohibited by section 12-32:
- (1) Musical instruments.
 - (2) Radios, receivers, stereos, televisions, disc players, tape players, and comparable mechanical and electronic devices which produce sound.
 - (3) Loudspeakers, amplifiers, or other devices which enhance or influence the level of sound in any way.
 - (4) Mechanical devices operating by compressed air, such as pneumatic drills and jackhammers.
 - (5) Horns, sirens, and signal devices using loud, brash, or harassing noises, whether on vehicles or otherwise.
 - (6) Motorized vehicles in operation, regardless of location, without mufflers or with ineffective mufflers or when there is rapid throttle advancing ("revving").
 - (7) The human voice when used to yell, shout, scream or the like.
 - (8) When operated between the hours of 10:00 p.m. and 6:59 a.m., construction machinery, heavy duty equipment, used in street repair and maintenance, domestic and commercial power tools, and the like, unless a permit is obtained.
 - (9) Fireworks which are detonated within the exterior property line and in close proximity to a dwelling or occupied structure without consent of the person in control of the premises; detonation of carbide cannons, black powder or smokeless powder devices, or any explosive device or compound which when detonated causes a report which exceeds that caused by lawfully acquired fireworks and which disturbs the public peace. This subsection shall not apply to lawfully acquired fireworks which are detonated on the Fourth of July, Christmas Eve, Christmas Day, New Year's Eve or New Year's Day.
- (b) *Continuous or repeated noises.* Regardless of the level of sound, the following, by way of example and not limitation, shall be deemed a nuisance and shall be prohibited under section 12-32:
- (1) To keep any animal, including a bird, causing a frequent or long continued noise, such as barking, howling, or screeching, disturbing the comfort and repose of any person of ordinary sensibilities in the immediate vicinity.
 - (2) To install or operate a burglar alarm system which uses an audible warning or bell without a functioning device that will shut off the warning or bell within 20 minutes after application of the system when the alarm cannot be readily or conveniently silenced manually by persons who are disturbed by its activation. Each activation of such an alarm that continues beyond 20 minutes shall be deemed a separate offense.

(Ord. No. 2016-20, § 1(Att. A), 5-16-2017)

Sec. 12-35. Exemptions.

The following noises shall be exempt from the prohibitions of section 12-32:

- (1) This article does not apply to noise emanating from industrial, warehouse, distribution, and manufacturing activities and facilities and operations related thereto, governmental activities, emergency signal devices, firearms discharges as a result of lawful game hunting or lawfully operating shooting ranges, agricultural activities (including livestock), parades, carnivals, school band practice or performances, and school or government sponsored athletic events.
- (2) Other code provisions notwithstanding, the sound produced by construction machinery, heavy duty equipment, and machines and equipment used for construction, repair, cleaning and maintenance of buildings, streets, or public or private premises when operated between the hours of 7:00 a.m. and 9:59 p.m. Such devices shall nevertheless be subject to the administrative stop order provisions of section 12-38.
- (3) The sound produced by horns, sirens, and alarms used with authorized emergency vehicles or otherwise used as safety devices to alert persons to danger or attempted crime; however, this exemption shall not apply to improperly operating burglar alarms as identified in section 12-34.2.b.
- (4) The sound produced by emergency repair measures necessary to restore public utilities, or to restore property to a safe condition, or to protect persons or property from imminent danger following an emergency, accident, or natural disaster.
- (5) The sound produced by bells or chimes or other carillon instruments when used to signify the passage of hour, half-hour, or quarter hour components, or to commemorate a wedding, funeral, or similar event, including regular religious services, provided the sounds do not exceed five continuous minutes in duration in any one hour period.
- (6) The sound produced by the following, provided there is compliance with all federal laws applicable to the noise:
 - a. Aircraft in flight or in operation at an airport;
 - b. Railroad equipment in operation on railroad rights-of-way; or
 - c. Motor vehicles, otherwise in lawful operation, on all public streets and highways.
- (7) The sound of water splashing produced by any waterfall, stream, decorative water fountain, or irrigation device when established or operated in an ordinary and customary manner.
- (8) Additionally, this article does not apply to noise between the hours of 7:00 a.m. and 9:59 p.m. which emanates from lawn and yard maintenance activities, tree harvesting or clearing, or explosives for construction and land clearing.
- (9) The unamplified sound emanating from a ballpark, playing field, stadium, or comparable outdoor facility designed and intended for recreational or sports activity when used for organized exhibitions or participatory sports or recreational activities.
- (10) Any lawful business operating as of the date of this article that is not in compliance with this article and does not fall under exceptions set out in this article shall have six months from the date of the ordinance from which this article derives to come into compliance with this article.

(Ord. No. 2016-20, § 1(Att. A), 5-16-2017)

Sec. 12-36. Enforcement factors.

In the enforcement of this article, an enforcement officer may be required to exercise judgment in determining if a particular noise is sufficiently loud or otherwise so offensive that it would substantially interfere with persons occupying nearby public or private property. When making such determinations, the enforcement officer may consider the following and other relevant factors:

- (1) The volume of the noise.
- (2) The intensity of the noise.
- (3) Whether the nature of the noise is usual or unusual.
- (4) Whether the origin of the noise is natural or unnatural.
- (5) The type and intensity of ambient noise, if any.
- (6) The nature and zoning of the area in which the noise is heard.

(Ord. No. 2016-20, § 1(Att. A), 5-16-2017)

Sec. 12-37. Special permits.

- (a) Entertainment or recreational events. Whenever the county administrator or his designee issues, on a temporary basis, special permits for events of an entertainment or recreational nature, then those events shall be exempt from the prohibitions of this article, provided noise is otherwise regulated in the supervision of the activity and provided that the permit shall be subject to revocation at the discretion of the county administrator or his designee on the basis of violation of permit conditions or excessive or inappropriate noise. Whenever such revocation occurs, the activities of the event shall then become subject to the prohibitions of this article.
- (b) Construction or maintenance operations. The county administrator or his designee may issue a permit exempting specific construction, solid waste pickup arrangements, and maintenance of public streets and rights-of-way from the prohibitions of this article otherwise applicable to nighttime (10:00 p.m. to 6:59 a.m.) activity, provided the person seeking such permit can make a showing that no reasonable alternatives exist to creating the noise at night and the activity involved is compatible with the public interest.
- (c) Specific and limited permits may be issued and allowed, upon request for the purposes of public enjoyment, celebrations, concerts, performances, and holidays and to promote interest and tourism in the county. Noise ordinance standards for such events shall be allowed, measured, and enforced at the furthestmost boundary line of the event grounds and shall be regulated to a maximum of 85 decibels A weighted, averaged per minute.

(Ord. No. 2016-20, § 1(Att. A), 5-16-2017)

Sec. 12-38. Administrative stop orders.

The county administrator or his designee may issue administrative stop orders to prohibit temporarily or to reschedule activities otherwise exempt under this article, when the continuation of the activity imposes a great hardship or substantial and aggravating inconvenience upon persons reasonably occupying or utilizing nearby premises, provided such administrative stop order is not used to prohibit completely an otherwise lawful activity and the county administrator or his designee gives due consideration to balancing the hardships involved.

(Ord. No. 2016-20, § 1(Att. A), 5-16-2017)

Sec. 12-39. Measurement of noise level; establishment of prima facie violation.

- (a) A prima facie violation of section 12-32 shall be established whenever a measurement of the offending noise shall be taken in accordance with this article and shown to produce a level of noise in excess of 70 decibels ("dB(A)") between the hours of 7:00 a.m. and 9:59 p.m. or in excess of 60 ("dB(A)") between the hours of 10:00 p.m. and 6:59 a.m. Any sound exceeding such levels is hereby declared a nuisance and is prohibited.
- (b) The inference established by subsection 12-39(a) shall be subject to rebuttal based on the time, place, and circumstances of the occurrence.
- (c) Noise levels identified shall be measured in decibels and A-weighted, with the unit of measurement being designated as dB(A). For the purpose of determining dB(A)s, the noise shall be measured on the A-weighting scale and the slow meter response on a sound level meter of standard design and quality having characteristics established by the American National Standards Institute (ANSI).
- (d) Measurements shall be taken so as to provide a reasonable representation of the sound being measured with due regard to the location where the noise is heard by any person making a complaint. If no complaint has been made, enforcement officers shall measure the noise from a point approximately 100 feet from the point from which the noise is emanating. Precise positioning of the meter, however, is not required.

(Ord. No. 2016-20, § 1(Att. A), 5-16-2017)

Sec. 12-40. Enforcement procedures; penalty; additional remedies.

- (a) With respect to suspected ordinance violations resulting from vehicle noise, law enforcement officers shall have the authority to charge persons under the provisions of this article without having received a complaint from a member of the public.
- (b) Law enforcement officers in the ordinary course of their duties shall have the authority to request compliance with the provisions of this article without having received a complaint from a member of the public.
- (c) Law enforcement officers may take any one of the following actions in accordance with this article:
 - (1) Warn the offender, who will then have the opportunity to immediately abate the offending noise without penalty. If the violation continues or reoccurs, the officer may cite or arrest the violator. A warning and opportunity to abate the offending noise is not required, however, if the officer deems citation or arrest immediately necessary under the circumstances then present.
 - (2) Issue a courtesy summons or other properly authorized citation device for the offender to appear in a magistrate court.
 - (3) Make a custodial arrest.

(Ord. No. 2016-20, § 1(Att. A), 5-16-2017)

Sec. 12-41. Owner responsibility.

No property owner shall allow a violation of this article to be created or maintained on or at his property. A property owner shall be responsible and liable for any violation(s) of this article by tenants, guests, licensees, or other occupants in, on, or at the owner's property if the owner is present at the time of the violation(s) or has actual or constructive knowledge of a potential violation.

(Ord. No. 2016-20, § 1(Att. A), 5-16-2017)

Sec. 12-42. Penalties.

Any person violating any provision of this article shall be deemed guilty of a misdemeanor and shall for every offense be punished in accordance with section 1-7. Each day on which there is a violation, or every separate and distinct event constituting a violation, of this article shall constitute a separate and distinct violation and offense under this article. The county may also seek injunctive or other relief, as appropriate.

(Ord. No. 2016-20, § 1(Att. A), 5-16-2017)

Secs. 12-43—12-70. Reserved.

Sec. 16-91. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Except as otherwise provided, all words in this division shall be given their ordinary and customary meaning.

Ambient noise means the generally prevailing sound or combination of sounds at the location where a listener receives the sound of the noise about which a complaint is being made. It is the sound or combination of sounds which a person of ordinary sensibilities would reasonably expect to encounter at the location in the ordinary and customary use of the premises.

Central business district (CBD) means the downtown area, more particularly identified as zoning district C-4, as may from time to time be amended or adjusted under the city's zoning ordinances.

(Code 1985, § 7-2-12; Code 1997, § 16-91; Ord. No. 96-26, § 2(7-2-12(k)), 4-22-1996; Ord. No. 2004-11, 2-9-2004)

Sec. 16-92. - Prohibited noise generally.

Any noise of such character, intensity or duration which substantially interferes with the comfortable enjoyment of persons of ordinary sensibilities occupying, owning or controlling nearby properties, or persons making use of public properties for their intended purposes, is hereby declared to be unlawful and to be a nuisance, and is prohibited.

(Code 1985, § 7-2-12; Code 1997, § 16-92; Ord. No. 96-26, § 2(7-2-12(a)), 4-22-1996; Ord. No. 2004-11, 2-9-2004)

Sec. 16-93. - Standard of reasonableness and use of technology.

It is the intent of the city council in regulating noise to take into account the latest scientific advances in noise measurement and control while at the same time preserving the common sense and common law determination of what constitutes a disturbance or public nuisance. Therefore, technological sound level measurements, while desirable, shall not be required to demonstrate a violation of this division or any other ordinance or statute which establishes the creation of disturbance or public nuisance. Decibel level measurements less than those specified in this division may still establish a violation of this division when due regard is made for the time, place and circumstances of the noise.

(Code 1985, § 7-2-12; Code 1997, § 16-93; Ord. No. 96-26, § 2(7-2-12(b)), 4-22-1996; Ord. No. 2004-11, 2-9-2004)

City of Greenville, SC Code of Ordinances

Sec. 16-94. - Specific noises prohibited.

- (a) *Operation of certain instruments, devices and equipment.* Nuisance noises shall include, but not be limited to, the use or operation of the following instruments, devices or pieces of equipment when operated in the manner prohibited by section 16-92:
- (1) Musical instruments.
 - (2) Radios, receivers, stereos, televisions, disc players, tape players and comparable mechanical and electronic devices which produce sound.
 - (3) Loudspeakers, amplifiers or other devices which enhance or influence the level of sound in any way.
 - (4) Mechanical devices operating by compressed air, such as pneumatic drills and jackhammers.
 - (5) Horns, sirens and signal devices using loud, brash or harassing noises, whether on vehicles or otherwise.
 - (6) Motorized vehicles in operation, regardless of location, without mufflers or with ineffective mufflers or when there is rapid throttle advancing ("revving").
 - (7) The human voice when used to yell, shout, scream or the like.
 - (8) When operated at night, construction machinery, heavy duty equipment used in street repair and maintenance, and domestic and commercial power tools, unless a permit is obtained.
- (b) *Continuous or repeated noises.* Regardless of the level of sound, the following shall be deemed a nuisance and shall be prohibited under section 16-92:
- (1) To keep any animal, including a bird, causing a frequent or long continued noise, such as barking, howling or screeching, disturbing the comfort and repose of any person of ordinary sensibilities in the immediate vicinity.
 - (2) To install or operate a burglar alarm system which uses an audible warning or bell without a functioning device that will shut off the warning or bell within 20 minutes after application of the system when the alarm cannot be readily or conveniently silenced manually by persons who are disturbed by its activation. Each activation of such an alarm that continues beyond 20 minutes shall be deemed a separate offense.

(Code 1985, § 7-2-12; Code 1997, § 16-94; Ord. No. 96-26, § 2(7-2-12(c), (d)), 4-22-1996; Ord. No. 2004-11, 2-9-2004)

Sec. 16-95. - Exemptions.

The following noises shall be exempt from the prohibitions of section 16-92, even when they cause a disturbance:

- (1) Other code provisions notwithstanding, the sound produced by construction machinery, heavy duty equipment, and machines and equipment used for construction, repair, cleaning, and maintenance of buildings, streets, or public or private premises when operated between the hours of 7:00 a.m. and 9:00 p.m. Monday through Friday and between the hours of 8:00 a.m. and 7:00 p.m. on Saturdays and 9:00 a.m. and 7:00 p.m. on Sundays. Such devices shall nevertheless be subject to the administrative stop order provisions of section 16-98.
- (2) The sound produced by horns, sirens and alarms used with authorized emergency vehicles or otherwise used as safety devices to alert persons to danger or attempted crime; however, this exemption shall not apply to improperly operating burglar alarms as identified in section 16-94(b) (2).
- (3) The sound produced by emergency repair measures necessary to restore public utilities, or to restore property to a safe condition, or to protect persons or property from imminent danger, following a fire, accident or natural disaster.
- (4) The sound produced by bells or chimes or other carillon instruments when used to signify the passage of hour, half-hour or quarter-hour components, or to commemorate a wedding, funeral or similar event, including regular religious services, provided the sounds do not exceed five continuous minutes in duration in any one-hour period.
- (5) The sound produced by the following, provided there is compliance with any federal regulations applicable to the noise:
 - a. Aircraft in flight or in operation at an airport;
 - b. Railroad equipment in operation on railroad rights-of-way; or
 - c. Motor vehicles, otherwise in lawful operation, on all public streets and highways.
- (6) The sound of water splashing produced by any waterfall, stream, decorative water fountain or irrigation device when established or operated in an ordinary and customary manner.
- (7) The unamplified sound emanating from a ballpark, playing field, stadium or comparable outdoor facility designed and intended for recreational or sports activity when used for organized exhibitions or participatory sports or recreational activities.

(Code 1985, § 7-2-12; Code 1997, § 16-95; Ord. No. 96-26, § 2(7-2-12(e)), 4-22-1996; Ord. No. 2004-11, 2-9-2004; Ord. No. 2014-80, 9-8-2014; Ord. No. 2021-21, § 1, 4-12-2021)

Sec. 16-96. - Enforcement factors.

In the enforcement of this division, an enforcement officer may be required to exercise judgment in determining if a particular noise is sufficiently loud or otherwise so offensive that it would substantially interfere with persons occupying nearby public or private property. When making such determinations, the enforcement officer may consider the following and other relevant factors:

- (1) The volume of the noise.
- (2) The intensity of the noise.
- (3) Whether the nature of the noise is usual or unusual.
- (4) Whether the origin of the noise is natural or unnatural.
- (5) The type and intensity of ambient noise, if any.
- (6) The nature and zoning of the area in which the noise is heard.

(Code 1985, § 7-2-12; Code 1997, § 16-96; Ord. No. 96-26, § 2(7-2-12(f)), 4-22-1996; Ord. No. 2004-11, 2-9-2004)

Sec. 16-97. - Special permits.

- (a) *Entertainment or recreational events.* Whenever the city manager or his designee issues, on a temporary basis, special permits for events of an entertainment or recreational nature, which are held in the central business district, parks, public buildings or elsewhere, then those events shall be exempt from the prohibitions of this division, provided noise is otherwise regulated in the supervision of the activity and provided that the permit shall be subject to revocation at the discretion of the city manager or his designee on the basis of excessive or inappropriate noise. Whenever such revocation occurs, the activities of the event shall then become subject to the prohibitions of this division.
- (b) *Construction or maintenance operations.* The city manager or his designee may issue a permit exempting specific construction, solid waste pickup arrangements and maintenance of public streets and rights-of-way from the prohibitions of this division otherwise applicable to nighttime activity, provided the person seeking such permit can make a showing that no reasonable alternatives exist to creating the noise at night and the activity involved is compatible with the public interest.

(Code 1985, § 7-2-12; Code 1997, § 16-97; Ord. No. 96-26, § 2(7-2-12(g)(1)), 4-22-1996; Ord. No. 2004-11, 2-9-2004)

Sec. 16-98. - Administrative stop orders.

The city manager or his designee may issue administrative stop orders to prohibit temporarily or to reschedule activities otherwise exempt under section 16-95 from the prohibitions of this division, when the continuation of the activity imposes a great hardship or substantial and aggravating inconvenience upon persons reasonably

occupying or utilizing nearby premises, provided such administrative stop order is not used to prohibit completely an otherwise lawful activity and the city manager or his designee gives due consideration to balancing the hardships involved.

(Code 1985, § 7-2-12; Code 1997, § 16-98; Ord. No. 96-26, § 2(7-2-12(g)(2)), 4-22-1996; Ord. No. 2004-11, 2-9-2004)

Sec. 16-99. - Special provisions for central business district.

Recognizing that the central business district is a place of mixed uses and close proximity, the intent of this division is that recognition be made of the fact that people occupying premises in the central business district must reasonably expect a greater likelihood of audible sounds from nearby locations than people residing in other districts. However, no person providing or permitting musical performances or other entertainment activities in the central business district should do so in a manner which causes undue hardship or disturbance of persons making lawful use of nearby premises, and the standards set forth in this division are a reasonable measure for determining undue hardship or disturbance in the central business district.

(Code 1985, § 7-2-12; Code 1997, § 16-99; Ord. No. 96-26, § 2(7-2-12(h)), 4-22-1996; Ord. No. 2004-11, 2-9-2004)

Sec. 16-100. - Measurement of noise level; establishment of prima facie violation.

- (a) A prima facie violation of section 16-92 shall be established whenever a measurement of the offending noise shall be taken in accordance with this division and shown to produce a level of noise in excess of the guidelines of the chart contained in this section. The inference established by the chart shall be subject to rebuttal based on the time, place and circumstances of the occurrence.
- (b) Noise levels identified in the chart of guidelines shall be measured in decibels and A-weighted, with the unit of measurement being designated as dB(A). For the purpose of determining dB(A)s, the noise shall be measured on the A-weighting scale and the slow meter response on a sound level meter of standard design and quality having characteristics established by the American National Standards Institute (ANSI).
- (c) Measurements recorded shall be taken so as to provide a reasonable representation of the sound being measured with due regard to the location on the premises where the noise is heard by any person making a complaint. Precise positioning of the meter is not required.
- (d) Guideline measurements establishing a prima facie violation are as follows:

Noise Limit	General, City-Wide	Central Business District
Day-time definition	7:00 a.m.— 10:00 p.m.	7:00 a.m.— 10:00 p.m.
Day-time noise limit	60	80
Night-time noise limit	55	75

NOTES:

(1) dB(A) readings on streets, sidewalks and public property in the central business district will be made at least 3 feet away from the privately owned premises from which the noise is generated, or 3 feet from the source if generated on public property.

(2) dB(A)* readings in parks and recreational areas outside the central business district will be made at least 10 feet away from the location from which the noise is generated.

(Code 1985, § 7-2-12; Code 1997, § 16-100; Ord. No. 96-26, § 2(7-2-12(i)), 4-22-1996; Ord. No. 2004-11, 2-9-2004; Ord. No. 2023-65, § 1, 9-25-2023)

Sec. 16-101. - Enforcement procedures; penalty; additional remedies.

- (a) With respect to suspected ordinance violations resulting from vehicle noise under section 16-94(a)(6), law enforcement officers shall have the authority to charge persons under the provisions of this division without having received a complaint from a member of the public or first requesting compliance with those divisions of this section. Persons violating that section shall be guilty of a violation of this division and shall be subject to a fine of not less than \$100.00 and not more than the maximum fine allowed by state law for violations of municipal ordinances, or imprisonment for not more than 30 days. The minimum fine may not be suspended. The city attorney may also seek injunctive relief, or any other appropriate remedy available at law or in equity, in a court of competent jurisdiction, to ensure compliance.
- (b) With respect to all other violations resulting from violations of this division, law enforcement officers in the ordinary course of their duties shall have the discretion but are not required to request compliance with all requirements of this division, prior to initiating enforcement of the division. Persons violating sections other than section 16-94(a)(6) of the division shall be guilty of a violation of this division and shall be subject to a fine of not less than \$100.00 and not more than the maximum fine allowed by state law for violations of municipal ordinances, or imprisonment for not more than 30 days. The minimum fine may not be suspended. The city attorney may also seek injunctive relief, or any other appropriate remedy available at law or in equity, in a court of competent jurisdiction, to ensure compliance.

(Code 1985, § 7-2-12; Code 1997, § 16-101; Ord. No. 96-26, § 2(7-2-12(j)), 4-22-1996; Ord. No. 2004-11, 2-9-2004; Ord. No. 2023-65, § 1, 9-25-2023)

Secs. 16-102—16-130. - Reserved.

ARTICLE IV: NOISE

Section

15-101 Noise measurement procedures and definitions

15-102 Prohibition

15-103 Citation of violators

15-104 Construction of article

15-104.1 Bass vibratory sounds prohibited

15-105 Penalties

15-106 Penalties and forfeiture, confiscation and disposition of sound equipment in motor vehicles

15-107—15-110 Reserved

§ 15-101 NOISE MEASUREMENT PROCEDURES AND DEFINITIONS.

(a) It is the intent of the county council to incorporate into this article those standards of measurement hereinafter set forth, which will take into account the latest scientific advances in noise measurement and control while at the same time, preserving the common sense and common law determination of what constitutes a disturbance or public nuisance. Therefore, sound level measurements, while universally desirable, shall not be required to demonstrate violation of any other ordinance or statute which establishes the creation of a disturbance or public nuisance.

(b) Sound measurements shall utilize the peak intensity of sound, measured in decibels, the “A” frequency weighting and the “slow” response characteristic of a sound level meter conforming in all respects to the American National Standards Institute (ANSI) standard S 1.4-1071, as revised, for Type 1 or Type 2 instruments.

(c) The microphone used to measure the intensity of a noise may be placed at any point on the exterior property line of the complaining party and shall be at least 5 feet from any wall and not less than 3 feet above the ground. If it is not possible to measure 5 feet from a wall, a 5 dB variance will be allowed. In the case of multifamily dwellings, condominiums or other closely confined living areas, the exterior property line shall be considered the walls separating individual family units and the microphone shall be placed at least 5 feet from any wall and not less than 3 feet above the floor. In the case of vehicles or persons in common areas, public areas, roads, streets or highways, the exterior property line shall be considered the wall of any nearby dwelling unit or school and the microphone shall be placed at least 5 feet, but no more than 10 feet from the exterior side of the wall and not less than 3 feet above the ground.

(1976 Code, § 15-101) (Ord. 2110, § 1, passed 5-1-1990)

§ 15-102 PROHIBITION.

(a) It shall be unlawful for any person, firm, association, partnership, joint venture, corporation or entity within any area of the county to use or operate any radio, receiving set, musical instrument, phonograph set, television set or other machine or device for producing or reproducing of sound or to create, assist in creating, permit, continue or permit the continuance of any noise to emanate beyond the exterior of property line of the complaining party, in excess of 70 decibels (dB) between the hours

of 7:00 a.m. and 10:00 p.m. of 1 day or in excess of 60 decibels (dB) between the hours of 10:00 p.m. of 1 day and 7:00 a.m. of the following day. Notwithstanding the above, it shall further be unlawful for any person to play, use, operate or permit to be played, used or operated, any radio, cassette or CD player or any other sound producing device if the sound producing device is in any motor vehicle and the sound generated is audible at a distance of 50 feet from the device producing the sound.

(b) This article shall not apply to noise on construction sites, emergency signal devices, material handling by sanitation crews, licensed game hunting on property where it is allowed, refuse compacting vehicles, airport and airplane noise, and sounds emanating from governmental activities. This article shall also not apply to the conduct of agricultural or farming activities, tree harvesting or clearing, lawn and yard maintenance activities, parades, carnivals, and public social events which occur between the hours of 7:00 a.m. and 10:00 p.m. of 1 day. Furthermore, this article is specifically not applicable to any lawfully established business or industry in Greenville County with the exception of business establishments where on-site consumption of alcoholic beverages occurs or is permitted.

(1976 Code, § 15-102) (Ord. 2110, § 2, passed 5-1-1990; Ord. 2599, § 2, passed 8-2-1994)

§ 15-103 CITATION OF VIOLATORS.

The Greenville County Sheriff's Office, in cooperation with county government, shall enforce the provisions of this article. After receiving a complaint and upon a finding by an officer of a violation, any offender shall have an opportunity to immediately abate the offending noise without penalty. However, if the violation continues or reoccurs at any time, the offender shall be guilty of a misdemeanor and shall be punished to the extent provided for in this article.

(1976 Code, § 15-103) (Ord. 2110, § 3, passed 5-1-1990)

§ 15-104 CONSTRUCTION OF ARTICLE.

This article is hereby declared to be remedial, and shall be construed to secure the beneficial interests and purposes of public safety, health and general welfare. The county or sheriff's office nor any employee shall be liable in tort for damages sustained as a result of sound produced in excess of the requirements of this article. The provisions of this article shall not be held to deprive any county or state agency of any power or authority which it had on the effective date of this article or any remedy then existing for the enforcement of its orders, nor shall it deprive any individual, business or corporation of its legal rights as provided by law.

(1976 Code, § 15-104) (Ord. 2110, § 5, passed 5-1-1990)

§ 15-104.1 BASS VIBRATORY SOUNDS PROHIBITED.

(a) *Prohibition.* The playing of any radio, phonograph, musical instrument, including other mechanical, electric, or electronic devices, which emit low bass vibratory sounds, in such a manner as to cause material distress, discomfort or injury to persons of ordinary sensibilities in any dwelling, hotel, or other type of residence is hereby declared to be a nuisance and is prohibited.

(b) *Evidence.* The complaints of 3 or more persons, or of 1 or more persons, when combined with the complaint of a law enforcement officer, is prima facie evidence that sound regulated by this article has been produced.

(c) *Violation.* A violation of this article shall be considered a misdemeanor and subject to the jurisdiction of the magistrate's court.

(1976 Code, § 15-104) (Ord. 2588, §§ 2-4, passed 6-21-1994)

§ 15-105 PENALTIES.

Any person, firm, corporation or agent, who shall violate the provisions of this article shall be guilty of a misdemeanor and shall be punished within the jurisdictional limits of magistrate's court. Each such person, firm, corporation or agent shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this article is committed or continued.

(1976 Code, § 15-105) (Ord. 2110, § 6, passed 5-1-1990; Ord. 2626, § 3, passed 9-6-1994)

§ 15-106 PENALTIES AND FORFEITURE, CONFISCATION AND DISPOSITION OF SOUND EQUIPMENT IN MOTOR VEHICLES.

In lieu of the penalties enumerated in § 15-105, above, the penalty for a first conviction, guilty plea or plea of nolo contendere of the excessive noise from sound amplifying devices in motor vehicles ordinance shall be a fine not more than \$250. For a second conviction, guilty plea or plea of nolo contendere, the penalty shall be not more than \$500 or 30 days in jail. For a third conviction, guilty plea or plea of nolo contendere, the sound-producing device used during the offense must be forfeited. Upon an order from the court, following a conviction, guilty plea or plea of nolo contendere of a third offense, the defendant will, at his own expense, remove the sound amplifying device and deliver it to the Greenville County Sheriff's Office within 7 days of the date of conviction, guilty plea or plea of nolo contendere.

(1976 Code, § 15-106) (Ord. 2599, § 3, passed 8-2-1994; Ord. 4539, § 1, passed 2-19-2013)

§§ 15-107—15-110 RESERVED.

OCONEE COUNTY COUNCIL

ORDINANCE 2004-22

SECTION I: TITLE

The title of this ordinance shall be "Oconee County Animal Control Act," replacing Oconee County Ordinances 98-8 and 2000-03.

SECTION II: DEFINITIONS

As used in this ordinance, the following terms are defined as below:

2.1: Animal: Every non-human species of animal.

2.2: Animal Control Officer: Any person designated by the State of South Carolina or County Governing Authority of Oconee County as a Law Enforcement Officer pursuant to S.C. Code §47-3-30.

2.3: Animal at large: Any animal not under the restraint of a person capable of controlling the animal and/or off the premises of the owner.

2.4: Animal Rescuer: Any recognized group or person who routinely obtains an unwanted dog or cat and/or who finds an adoptive home for that spayed or neutered dog or cat.

2.5: Animal Shelter: Any premises designated by the county governing body for the purpose of impounding, care, or destruction of animals held under authority of this Ordinance and/or State Law.

2.6: Humane Society: South Carolina Society for Prevention of Cruelty to Animals.

2.7: Humane Society Officer: Any officer or employee of the Humane Society.

2.8: Owner: Any person, partnership, or corporation owning, keeping, or harboring one or more animals. An animal shall be declared to be harbored if it is fed for three consecutive days or more, unless said person, partnership or corporation has notified Animal Control to pick up the stray animal.

2.9: Pet or Companion Animal: Any animal kept for pleasure rather than utility; an animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter.

2.10: Abandoned/Stray Animal: Any animal unattended for a period of more than three days.

2.11: Public Nuisance Animal: Any animal or animals, except those raised for food and/or food products, that unreasonably annoy humans, endanger the life or health of other citizens (other than their owners), or interfere with a citizen's enjoyment of life or property.

The term "Public Nuisance Animal" shall mean and include, but is not limited to, any animal that:

- a) is found at large after written complaint has been filed;
- b) damages the property of anyone other than its owner;
- c) molests or intimidates pedestrian or passerby;
- d) excessively makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;

e) causes fouling of the air off the premises of the owner by odor resulting from failure to remove feces every twenty four (24) hours or washing of same into an approved underground disposal systems every twenty four (24) hours;

f) has been found by the animal control officer after notice of its owner to be a public nuisance animal by virtue of being a menace to the public health, welfare, or safety; or

g) does not have attached a valid current rabies inoculation tag as required by State Law.

2.12: Under Restraint: Animals shall be deemed under restraint if it is on the premises of its owner or keeper or is accompanied by its owner or keeper and under the physical control of such owner or keeper by means of restraining devises, or under the verbal command, or under the active control of the owner or trainer while hunting or being trained and while on property of the owner or with the property owner's permission.

2.13: Dangerous Animal: (A) An animal of the canine or feline family:

(1) which the owner knows or reasonably should know has a propensity, tendency, or disposition to attack unprovoked or cause injury or otherwise endanger the safety of human beings or domestic animals; or

(2) which;

(a) makes an unprovoked attack that causes bodily injury to a human being and the attack occurs in a place other than the place where the animal is confined as required by South Carolina Code Section 47-3-720; or

(b) commits unprovoked acts in a place other than the place where the animal is confined as required by South Carolina Code Section 47-3-720 and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to a human being; or

(3) which is owned or harbored primarily or in part for the purpose of fighting or which is trained for fighting; or

(4) which attacks, bites, or injures a human being or domesticated animal without adequate provocation, or which, because of temperament, conditioning or training, has a known propensity to attack, bite, or injure human beings or domesticated animals.

(B) An animal is not a “dangerous animal” solely by virtue of its breed or species.

2:14: Potentially Dangerous Animal: An animal of the canine or feline family that chases or approaches any person or domestic animal, anywhere, other than on the property of the owner, in a menacing fashion or with an apparent attitude of attack including, but not limited to, behavior such as growling or snarling.

SECTION 3: AUTHORITY

This ordinance is adopted pursuant to the provisions of Sections 47-3-20, et. seq., Code of Laws of South Carolina, 1976.

SECTION 4: RESTRAINT

4.1: All animals shall be kept under restraint.

4.2: No owner shall fail to exercise proper care and control of his dog to prevent him from being a public nuisance.

4.3: Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding.

4.4: Every dangerous animal and potentially dangerous animal, as determined under this Ordinance shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.

SECTION 5: BITING OR ATTACKING PERSONS

All animal bites or injuries to a human being shall be reported by medical personnel with knowledge of the bite or injury to the rabies control officer in the Department of Health and Environmental Control. Whenever the Animal Control Officer or Humane Society Officer is notified and shown that an animal has bitten or attacked a person, such officer shall promptly notify the Oconee County Department of Health and Environmental Control of such bite or attack and shall cooperate with the said health department in impounding and quarantining such animal.

SECTION 6: IMPOUNDMENT AND VIOLATION NOTICE

6.1: Unrestrained and nuisance animals, upon receipt of a written complaint signed by the complainant, may be taken by Law Enforcement Officials and/or Animal Control Officers and impounded in the Oconee County Animal Shelter and there be confined in a humane manner.

In addition to, or in lieu of, impounding an animal at large, the Animal Control Officer or lawful constable or deputy sheriff may issue to the known owner of such animal a notice of ordinance violation. Such notice shall impose upon the owner a warning for a first offense. The owner shall be charged a penalty of One Hundred

(\$100.00) dollars for the second violation. One Hundred Twenty-Five (\$125.00) dollars for the third violation and One Hundred Fifty (\$150.00) dollars for each subsequent violation. Said penalties shall be made payable to the Treasurer of Oconee County and paid at the Oconee County Animal Shelter within ten business days from the date of issuance in full satisfaction of the assessed penalty. In the event that such penalty is not paid within the time period described, a bench warrant shall be issued by a magistrate and upon conviction of this ordinance, the owner shall be punished as provided in Section 12 of this ordinance. In addition, the owner shall be required to pay a fee of five dollars (\$5.00) per day for each day the animal is boarded by the County, actual cost for inoculation of the animal (if applicable) and a five dollar (\$5.00) impoundment fee. In addition, at the discretion of the animal shelter, a thirty dollar (\$30.00) fee and mandatory sterilization of the animal may be required if the animal is impounded on more than one (1) occasion. Five dollars (\$5.00) shall be the impoundment fee and twenty-five (\$25.00) shall help defray the cost of sterilization. The sterilization shall not be required if the owner or other person redeeming the animal provides a written statement from a licensed veterinarian that the spay or neuter procedure would be harmful to the animal due to reasons of age or health or that the animal has already been sterilized.

6.2: Notwithstanding the above, an Animal Control Officer and/or Law Enforcement Officer may without written complaint impound animals not having a valid current rabies inoculation tag and found off the owner's property.

6.3: Impounded dogs and cats shall not be kept for fewer than three (3) working days.

6.4: If by tag or other means, the owner of an impounded animal can be identified, the Animal Control Officer shall immediately upon impoundment notify the owner by telephone or certified mail. Any identifiable animal, not appearing to be abandoned, upon notification of the owner by telephone or certified mail, shall not be kept for fewer than ten (10) days.

6.5: Abandoned animals shall be impounded and shall be kept for no fewer than three (3) working days.

6.6: Any owner reclaiming an impounded dog or cat shall pay the fee provided for in section 6.1 before the animal can be released.

6.7: Any owner claiming an impounded dog or cat shall show proof that the animal is currently inoculated against rabies. If such animal is not currently inoculated against rabies the owner shall cause the animal to be inoculated at the owner's expense.

6.8: Any animal not reclaimed by its owner within three (3) working days, or in the case of a positively identifiable animal within ten (10) days, shall become the property of the local government authority and shall be placed for adoption in a suitable home or humanely disposed of as approved by State Law.

6.9: The Animal Shelter Director shall keep complete and accurate records of the care, veterinary treatment, and disposition of all animals impounded at the shelter.

6.10: It shall be unlawful for any person to release or take out of impoundment any animal without proper authority.

6.11: It shall be unlawful to resist or hinder Animal Control Officers or Law Enforcement Officers engaging in the capture and impoundment of an animal. It shall be

unlawful to give false information to an Animal Control Officer or Law Enforcement Officers.

6.12: It shall be unlawful to remove the rabies tag from the dog for which the tag was issued.

SECTION 7: DANGEROUS ANIMALS

7.1: The Animal Control Officer and Law Enforcement Officials shall have the power to summarily and immediately impound any animal where there is any evidence that the animal has attacked, bitten, or injured any human being or domestic animal. The animal shall be kept at the Oconee County Animal Shelter or at a veterinarian designated by the owner at the owner's expense for quarantine pending a determination of the animal's status as a dangerous animal. In the event that an animal bites a member of the animal owner's family, and the animal owner requests that the animal be impounded by the animal owner, the Animal Control Officer or Law Enforcement Officer may, in his or her discretion, allow the animal owner to impound said animal on said animal owner's property.

7.2: Upon impounding a potentially dangerous animal or a dangerous animal that has attacked, bitten or injured a human being or a domestic animal, a determination hearing should be conducted within five (5) business days of serving notice to the owner by certified mail or personal service. If the owner fails to appear at the hearing, the hearing shall nevertheless proceed and an appropriate order may be issued. The Magistrate shall determine whether to declare the animal to be a dangerous animal based upon the evidence and testimony presented at the hearing at the hearing by the owner, witnesses to any incidents, or any other persons possessing information pertinent to such

determination such as veterinarians or dog obedience trainers. The Magistrate shall issue written findings within five (5) business days after the hearing. The owner of such animal shall have a right to appeal the decision to the Court of Common Pleas of Oconee County within ten (10) days of receiving such decision of the Magistrate.

7.3: An animal determined to be dangerous as determined in 7.2 which has attacked or causes injury to a human being or a domestic animal may be ordered destroyed by the Magistrate when in the Magistrate's judgment the dangerous animal represents a continuing threat of serious harm to human beings or other domestic animals after the quarantine period has expired. Any dangerous animal may also be destroyed if the owner of the dangerous animal relinquishes ownership or control of the animal to the Humane Society or law enforcement officer. A Magistrate may return a dangerous animal to the owner if the Magistrate finds that the animal will not pose a threat to human being and/or domestic animals and that the owner has and will fully comply with Sections 7.4. and 7.5 of this Ordinance.

7.4: The owner of a dangerous animal shall secure and confine said dangerous animal on owner's property in an enclosed and locked (with a key or combination lock) pen or structure, suitable to prevent the animal from escaping said pen or structure. The pen or structure shall have secure sides and a secure top which protects the animal from the elements. Also, all sides must be embedded into the ground with no less than two (2) feet unless the bottom is secured to the sides. The structure must be kept in a clean and sanitary condition and provide adequate light and ventilation. The enclosure shall not be less than five (5) feet by ten (10) feet and not less than six (6) feet high.

7.5: No person owning or harboring or having care of a dangerous animal may permit the animal to go beyond the person's premises unless the dog is securely muzzled and restrained with a leash or chain having a minimum tensile strength of three hundred (300) pounds and not exceeding three (3) feet in length.

SECTION 8: POTENTIALLY DANGEROUS ANIMAL

8.1: The Animal Control Officer or Law Enforcement Officials shall have the power to summarily and immediately impound any animal where there is any evidence that the animal has chased or approached any person or domestic animal, on property other than the property of the owner, in a menacing fashion or with an apparent attitude of attack, including, but not limited to behavior such as growling or snarling. The animal shall be kept at the Oconee County Animal Shelter or at a veterinarian designated by the owner at the owner's expense for quarantine pending determination of the animal status as a potentially dangerous animal. The Animal Control Officer or Law Enforcement Officer may, in his or her discretion, allow the animal owner to impound said animal on said animal owner's property.

8.2: Upon impounding a potentially dangerous animal, the determination should be conducted within five (5) days of serving notice to the owner by certified mail or personal service. If the owner fails to appear at the hearing, the hearing shall nevertheless proceed and an appropriate order may be issued. The Magistrate shall determine whether to declare the animal to be a potentially dangerous animal based on the evidence of testimony presented at the hearing by the owner, witnesses to any incidences, and any other persons possessing information pertinent to such determination such as veterinarians or dog obedience trainers. The Magistrate shall issue written

findings within five (5) days after the hearing. The owner of such animal shall have the right to appeal such a decision to the Court of Common Pleas of Oconee County within ten (10) days of receiving the decision of the Magistrate.

8.3: Upon a finding that an animal is a potentially dangerous animal, the Magistrate may order that the animal be forfeited by owner or owners and placed with an agency willing to accept custody of said animal or may return said animal to owner if the owner has and will comply with Sections 8.4 and 8.5 of this Ordinance.

8.4: The owner of a potentially dangerous animal shall secure and confine said potentially dangerous animal on owner's property in an enclosed and locked (with a key or combination lock) pen or structure, suitable to prevent the animal from escaping said pen or structure. The pen or structure shall have secure sides and a secure top which protects the animal from the elements. Also, all sides must be embedded into the ground with no less than two (2) feet unless the bottom is secured to the sides. The structure must be kept in a clean and sanitary condition and provide adequate light and ventilation. The enclosure shall not be less than five (5) feet by ten (10) feet and not less than six (6) feet high.

8.5: No person owning or harboring or having care of a potentially dangerous animal may permit the animal to go beyond the person's premises unless the dog is securely muzzled and restrained with a leash or chain having a minimum tensile strength of three hundred (300) pounds and not exceeding three (3) feet in length.

SECTION 9: ANIMAL CARE

9.1: No owner shall fail to provide for his animals with the necessary substance, shelter, and veterinary care when needed to prevent suffering and humane care and treatment. All animals shall be kept in a clean and sanitary condition. The premises upon which animal is kept shall be kept in a clean and sanitary condition and provide adequate light, shelter and ventilation.

9.2: No owner of an animal shall abandon such animal.

9.3: Any animal found abandoned and not properly care for, appearing to be diseased or injured past recovery for any useful purpose may be lawfully destroyed by an agent of DHEC, Law Enforcement Officer, Animal Control Officer or Officer of the Humane Society by a method approved by State Law.

9.4: Any animal found abandoned, neglected, cruelly treated, or unfit for use may be seized from the owners property by the Animal Control Officer or Law Enforcement Officer and impounded at the Oconee County Animal Shelter, provided however that the officer shall give notice of this seizure by posting a copy of it at the location where the animal was seized or by delivering it to a person residing on the property of the owner within 24 hours of the time the animal was seized.

9.5: The owner of any animal impounded under the provisions of this section shall be responsible for payment of any necessary medical care as determined by a veterinarian in addition to any penalties, impoundment fees, and board fees.

SECTION 10: STERILIZATION

No unclaimed dog or cat shall be released for adoption without written agreement by means of a spay/neuter contract from the adopter guaranteeing that such animal will

be sterilized within thirty (30) days for adults and a specified date in the contract for pups and kittens, provided however, the county provides a program whereby the spay/neuter is included with the adoption fee.

No animal shall be released for adoption from the Oconee County Animal Shelter that has not been sterilized, provided however, that the County or its contractor provides a program whereby the spay/neuter is included with the adoption fee.

SECTION 11: ENFORCEMENT

The civil and criminal provisions of the ordinance shall be enforced by those persons or agencies by the county authority. It shall be a violation of this ordinance to interfere with an Animal Control Officer or Law Enforcement Officer in the performance of his/her duties. The Magistrate of Oconee County shall have the authority to issue a bench warrant in the enforcement of this Ordinance.

SECTION 12: PENALTIES

12.1: Any person violating any provisions of this ordinance shall be deemed guilty of a misdemeanor and shall for every offense, be guilty of a misdemeanor and be punished by imprisonment in jail not exceeding thirty (30) days or by a fine not exceeding five hundred dollars (\$500.00). In addition, upon conviction of any violation under this article a court may order an animal forfeited by the owner or owners and placed with an agency willing to accept custody of the animal, where the court finds that the animal has been cruelly treated; or the owners have been convicted of allowing the animal to run at large on two or more previous occasions.

SECTION 13: APPLICABILITY OF RABIES CONTROL ACT

The provisions of South Carolina Code Section 47-5-10 et seq., commonly known as the Rabies Control Act are hereby adopted in their entirety, as the same may be from time to time amended, as an integral part of this ordinance, except insofar as the provisions of such act may conflict with or be less restrictive than the provisions of this ordinance.

SECTION 14: CONFLICTING ORDINANCES

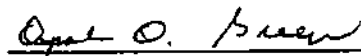
All other ordinances of the County of Oconee that are in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 15: SEVERABILITY CLAUSE

If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not effect the remaining parts of this ordinance.


H. Frank Ables, Jr., Chair
Oconee County Council

Attest:


Opal O. Green, Clerk

1st Reading: 9/7/04
2nd Reading: 10/5/04
3rd Reading: 10/17/04

OCONEE COUNTY COUNCIL

ORDINANCE 2005-01

AN ORDINANCE AMENDING ORDINANCE 2004-22, THE OCONEE COUNTY
ANIMAL CONTROL ACT

SECTION I: TITLE

The title of this ordinance shall be "Oconee County Animal Control Act,"
replacing Oconee County Ordinances 2004-22.

SECTION II: DEFINITIONS

As used in this ordinance, the following terms are defined as below:

2.1: Animal: Every non-human species of animal.

2.2: Animal Control Officer: Any person designated by the State of South
Carolina or County Governing Authority of Oconee County as a Law Enforcement
Officer pursuant to S.C. Code §47-3-30.

2.3: Animal at large: Any animal not under the restraint of a person capable of
controlling the animal and/or off the premises of the owner.

2.4: Animal Rescuer: Any recognized group or person who routinely obtains an
unwanted dog or cat and/or who finds an adoptive home for that spayed or neutered dog
or cat.

2.5: Animal Shelter: Any premises designated by the county governing body for
the purpose of impounding, care, or destruction of animals held under authority of this
Ordinance and/or State Law.

2.6: Humane Society: South Carolina Society for Prevention of Cruelty to
Animals.

2.7: Humane Society Officer: Any officer or employee of the Humane Society.

2.8: Owner: Any person, partnership, or corporation owning, keeping, or harboring one or more animals. An animal shall be declared to be harbored if it is fed for three consecutive days or more, unless said person, partnership or corporation has notified Animal Control to pick up the stray animal.

2.9: Pet or Companion Animal: Any animal kept for pleasure rather than utility; an animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter.

2.10: Abandoned/Stray Animal: Any animal unattended for a period of more than three days.

2.11: Public Nuisance Animal: Any animal or animals, except those raised for food and/or food products, that unreasonably annoy humans, endanger the life or health of other citizens (other than their owners), or interfere with a citizen's enjoyment of life or property.

The term "Public Nuisance Animal" shall mean and include, but is not limited to, any animal that:

- a) is found at large after written complaint has been filed;
- b) damages the property of anyone other than its owner;
- c) molests or intimidates pedestrian or passerby;
- d) excessively makes disturbing noises, including, but not limited to,

continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;

e) causes fouling of the air off the premises of the owner by odor resulting from failure to remove feces every twenty four (24) hours or washing of same into an approved underground disposal systems every twenty four (24) hours;

f) has been found by the animal control officer after notice of its owner to be a public nuisance animal by virtue of being a menace to the public health, welfare, or safety; or

g) does not have attached a valid current rabies inoculation tag as required by State Law.

2.12: Under Restraint: Animals shall be deemed under restraint if it is on the premises of its owner or keeper or is accompanied by its owner or keeper and under the physical control of such owner or keeper by means of restraining devices, or under the verbal command, or under the active control of the owner or trainer while hunting or being trained and while on property of the owner or with the property owner's permission.

2.13: Dangerous Animal: (A) An animal:

(1) which the owner knows or reasonably should know has a propensity, tendency, or disposition to attack unprovoked or cause injury or otherwise endanger the safety of human beings or domestic animals; or

(2) which;

(a) makes an unprovoked attack that causes bodily injury to a human being and the attack occurs in a place other than the place where the animal is confined as required by South Carolina Code Section 47-3-720; or

(b) commits unprovoked acts in a place other than the place where the animal is confined as required by South Carolina Code Section 47-3-720 and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to a human being; or

(3) which is owned or harbored primarily or in part for the purpose of fighting or which is trained for fighting; or

(4) which attacks, bites, or injures a human being or domesticated animal without adequate provocation, or which, because of temperament, conditioning or training, has a known propensity to attack, bite, or injure human beings or domesticated animals.

(B) An animal is not a "dangerous animal" solely by virtue of its breed or species.

2:14: Potentially Dangerous Animal: An animal that chases or approaches any person or domestic animal, anywhere, other than on the property of the owner, in a menacing fashion or with an apparent attitude of attack including, but not limited to, behavior such as growling or snarling.

SECTION 3: AUTHORITY

This ordinance is adopted pursuant to the provisions of Sections 47-3-20, et. seq., Code of Laws of South Carolina, 1976.

SECTION 4: RESTRAINT

4.1: All animals shall be kept under restraint.

4.2: No owner shall fail to exercise proper care and control of his animal to prevent him from being a public nuisance.

4.3: Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding.

4.4: Every dangerous animal and potentially dangerous animal, as determined under this Ordinance shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.

SECTION 5: BITING OR ATTACKING PERSONS

All animal bites or injuries to a human being shall be reported by medical personnel with knowledge of the bite or injury to the rabies control officer in the Department of Health and Environmental Control. Whenever the Animal Control Officer or Humane Society Officer is notified and shown that an animal has bitten or attacked a person, such officer shall promptly notify the Oconee County Department of Health and Environmental Control of such bite or attack and shall cooperate with the said health department in impounding and quarantining such animal.

SECTION 6: IMPOUNDMENT AND VIOLATION NOTICE

6.1: Unrestrained and nuisance animals, upon receipt of a written complaint signed by the complainant, may be taken by Law Enforcement Officials and/or Animal Control Officers and impounded in the Oconee County Animal Shelter and there be confined in a humane manner.

In addition to, or in lieu of, impounding an animal at large, the Animal Control Officer or lawful constable or deputy sheriff may issue to the known owner of such animal a notice of ordinance violation. Such notice shall impose upon the owner a warning for a first offense. The owner shall be charged a penalty of One Hundred (\$100.00) dollars for the second violation. One Hundred Twenty-Five (\$125.00) dollars for the third violation and One Hundred Fifty (\$150.00) dollars for each subsequent violation. Said penalties shall be made payable to the Treasurer of Oconee County and paid at the Oconee County Animal Shelter within ten business days from the date of issuance in full satisfaction of the assessed penalty. In the event that such penalty is not paid within the time period described, a bench warrant shall be issued by a magistrate and upon conviction of this ordinance, the owner shall be punished as provided in Section 12 of this ordinance. In addition, the owner shall be required to pay a fee of five dollars (\$5.00) per day for each day the animal is boarded by the County, actual cost for inoculation of the animal (if applicable) and a five dollar (\$5.00) impoundment fee. In addition, at the discretion of the animal shelter, a thirty dollar (\$30.00) fee and mandatory sterilization of the animal may be required if the animal is impounded on more than one (1) occasion. Five dollars (\$5.00) shall be the impoundment fee and twenty-five (\$25.00) shall help defray the cost of sterilization. The sterilization shall not be required if the owner or other person redeeming the animal provides a written statement from a licensed veterinarian that the spay or neuter procedure would be harmful to the animal due to reasons of age or health or that the animal has already been sterilized.

6.2: Notwithstanding the above, an Animal Control Officer and/or Law Enforcement Officer may without written complaint impound animals not having a valid current rabies inoculation tag and found off the owner's property.

6.3: Impounded dogs and cats shall not be kept for fewer than five (5) working days.

6.4: If by tag or other means, the owner of an impounded animal can be identified, the Animal Control Officer shall immediately upon impoundment notify the owner by telephone or certified mail. Any identifiable animal, not appearing to be abandoned, upon notification of the owner by telephone or certified mail, shall not be kept for fewer than ten (10) days.

6.5: Abandoned animals shall be impounded and shall be kept for no fewer than five (5) working days.

6.6: Any owner reclaiming an impounded dog or cat shall pay the fee provided for in section 6.1 before the animal can be released.

6.7: Any owner claiming an impounded dog or cat shall show proof that the animal is currently inoculated against rabies. If such animal is not currently inoculated against rabies the owner shall cause the animal to be inoculated at the owner's expense.

6.8: Any animal not reclaimed by its owner within five (5) working days, or in the case of a positively identifiable animal within ten (10) days, shall become the property of the local government authority and shall be placed for adoption in a suitable home or humanely disposed of as approved by State Law.

6.9: The Animal Shelter Director shall keep complete and accurate records of the care, veterinary treatment, and disposition of all animals impounded at the shelter.

6.10: It shall be unlawful for any person to release or take out of impoundment any animal without proper authority.

6.11: It shall be unlawful to resist or hinder Animal Control Officers or Law Enforcement Officers engaging in the capture and impoundment of an animal. It shall be unlawful to give false information to an Animal Control Officer or Law Enforcement Officers.

6.12: It shall be unlawful to remove the rabies tag from the dog for which the tag was issued.

SECTION 7: DANGEROUS ANIMALS

7.1: The Animal Control Officer and Law Enforcement Officials shall have the power to summarily and immediately impound any animal where there is any evidence that the animal has attacked, bitten, or injured any human being or domestic animal. The animal shall be kept at the Oconee County Animal Shelter or at a veterinarian designated by the owner at the owner's expense for quarantine pending a determination of the animal's status as a dangerous animal. In the event that an animal bites a member of the animal owner's family, and the animal owner requests that the animal be impounded by the animal owner, the Animal Control Officer or Law Enforcement Officer may, in his or her discretion, allow the animal owner to impound said animal on said animal owner's property.

7.2: Upon impounding a potentially dangerous animal or a dangerous animal that has attacked, bitten or injured a human being or a domestic animal, a determination hearing should be conducted within five (5) business days of serving notice to the owner by certified mail or personal service. If the owner fails to appear at the hearing, the hearing shall nevertheless proceed and an appropriate order may be issued. The Magistrate shall determine whether to declare the animal to be a dangerous animal based upon the evidence and testimony presented at the hearing at the hearing by the owner, witnesses to any incidents, or any other persons possessing information pertinent to such determination such as veterinarians or dog obedience trainers. The Magistrate shall issue written findings within five (5) business days after the hearing. The owner of such animal shall have a right to appeal the decision to the Court of Common Pleas of Oconee County within ten (10) days of receiving such decision of the Magistrate.

7.3: An animal determined to be dangerous as determined in 7.2 which has attacked or causes injury to a human being or a domestic animal may be ordered destroyed by the Magistrate when in the Magistrate's judgment the dangerous animal represents a continuing threat of serious harm to human beings or other domestic animals after the quarantine period has expired. Any dangerous animal may also be destroyed if the owner of the dangerous animal relinquishes ownership or control of the animal to the Humane Society or law enforcement officer. A Magistrate may return a dangerous animal to the owner if the Magistrate finds that the animal will not pose a threat to human being and/or domestic animals and that the owner has and will fully comply with Sections 7.4. and 7.5 of this Ordinance.

7.4: The owner of a dangerous animal shall secure and confine said dangerous animal on owner's property in an enclosed and locked (with a key or combination lock) pen or structure, suitable to prevent the animal from escaping said pen or structure. The pen or structure shall have secure sides and a secure top which protects the animal from the elements. Also, all sides must be embedded into the ground with no less than two (2) feet unless the bottom is secured to the sides. The structure must be kept in a clean and sanitary condition and provide adequate light and ventilation. The enclosure shall not be less than five (5) feet by ten (10) feet and not less than six (6) feet high.

7.5: No person owning or harboring or having care of a dangerous animal may permit the animal to go beyond the person's premises unless the animal is securely muzzled and restrained with a leash or chain having a minimum tensile strength of three hundred (300) pounds and not exceeding three (3) feet in length.

SECTION 8: POTENTIALLY DANGEROUS ANIMAL

8.1: The Animal Control Officer or Law Enforcement Officials shall have the power to summarily and immediately impound any animal where there is any evidence that the animal has chased or approached any person or domestic animal, on property other than the property of the owner, in a menacing fashion or with an apparent attitude of attack, including, but not limited to behavior such as growling or snarling. The animal shall be kept at the Oconee County Animal Shelter or at a veterinarian designated by the owner at the owner's expense for quarantine pending determination of the animal status as a potentially dangerous animal. The Animal Control Officer or Law Enforcement Officer may, in his or her discretion, allow the animal owner to impound said animal on said animal owner's property.

8.2: Upon impounding a potentially dangerous animal, the determination should be conducted within five (5) days of serving notice to the owner by certified mail or personal service. If the owner fails to appear at the hearing, the hearing shall nevertheless proceed and an appropriate order may be issued. The Magistrate shall determine whether to declare the animal to be a potentially dangerous animal based on the evidence of testimony presented at the hearing by the owner, witnesses to any incidences, and any other persons possessing information pertinent to such determination such as veterinarians or dog obedience trainers. The Magistrate shall issue written findings within five (5) days after the hearing. The owner of such animal shall have the right to appeal such a decision to the Court of Common Pleas of Oconee County within ten (10) days of receiving the decision of the Magistrate.

8.3: Upon a finding that an animal is a potentially dangerous animal, the Magistrate may order that the animal be forfeited by owner or owners and placed with an agency willing to accept custody of said animal or may return said animal to owner if the owner has and will comply with Sections 8.4 and 8.5 of this Ordinance.

8.4: The owner of a potentially dangerous animal shall secure and confine said potentially dangerous animal on owner's property in an enclosed and locked (with a key or combination lock) pen or structure, suitable to prevent the animal from escaping said pen or structure. The pen or structure shall have secure sides and a secure top which protects the animal from the elements. Also, all sides must be embedded into the ground with no less than two (2) feet unless the bottom is secured to the sides. The structure must be kept in a clean and sanitary condition and provide adequate light and ventilation.

The enclosure shall not be less than five (5) feet by ten (10) feet and not less than six (6) feet high.

8.5: No person owning or harboring or having care of a potentially dangerous animal may permit the animal to go beyond the person's premises unless the animal is securely muzzled and restrained with a leash or chain having a minimum tensile strength of three hundred (300) pounds and not exceeding three (3) feet in length.

SECTION 9: ANIMAL CARE

9.1: No owner shall fail to provide for his animals with the necessary substance, shelter, and veterinary care when needed to prevent suffering and humane care and treatment. All animals shall be kept in a clean and sanitary condition. The premises upon which animal is kept shall be kept in a clean and sanitary condition and provide adequate light, shelter and ventilation.

9.2: No owner of an animal shall abandon such animal.

9.3: Any animal found abandoned and not properly care for, appearing to be diseased or injured past recovery for any useful purpose may be lawfully destroyed by an agent of DHEC, Law Enforcement Officer, Animal Control Officer or Officer of the Humane Society by a method approved by State Law.

9.4: Any animal found abandoned, neglected, cruelly treated, or unfit for use may be seized from the owners property by the Animal Control Officer or Law Enforcement Officer and impounded at the Oconee County Animal Shelter, provided however that the officer shall give notice of this seizure by posting a copy of it at the location where the animal was seized or by delivering it to a person residing on the property of the owner within 24 hours of the time the animal was seized.

9.5: The owner of any animal impounded under the provisions of this section shall be responsible for payment of any necessary medical care as determined by a veterinarian in addition to any penalties, impoundment fees, and board fees.

SECTION 10: STERILIZATION

No unclaimed dog or cat shall be released for adoption without written agreement by means of a spay/neuter contract from the adopter guaranteeing that such animal will be sterilized within thirty (30) days for adults and a specified date in the contract for pups and kittens, provided however, the county provides a program whereby the spay/neuter is included with the adoption fee.

No animal shall be released for adoption from the Oconee County Animal Shelter that has not been sterilized, provided however, that the County or its contractor provides a program whereby the spay/neuter is included with the adoption fee.

SECTION 11: ENFORCEMENT

The civil and criminal provisions of the ordinance shall be enforced by those persons or agencies by the county authority. It shall be a violation of this ordinance to interfere with an Animal Control Officer or Law Enforcement Officer in the performance of his/her duties. The Magistrate of Oconee County shall have the authority to issue a bench warrant in the enforcement of this Ordinance.

SECTION 12: PENALTIES

12.1: Any person violating any provisions of this ordinance shall be deemed guilty of a misdemeanor and shall for every offense, be guilty of a misdemeanor and be punished by imprisonment in jail not exceeding thirty (30) days or by a fine not exceeding five hundred dollars (\$500.00). In addition, upon conviction of any violation under this article a court may order an animal forfeited by the owner or owners and placed with an agency willing to accept custody of the animal, where the court finds that the animal has been cruelly treated; or the owners have been convicted of allowing the animal to run at large on two or more previous occasions.

SECTION 13: APPLICABILITY OF RABIES CONTROL ACT

The provisions of South Carolina Code Section 47-5-10 et seq., commonly known as the Rabies Control Act are hereby adopted in their entirety, as the same may be from time to time amended, as an integral part of this ordinance, except insofar as the provisions of such act may conflict with or be less restrictive than the provisions of this ordinance.

SECTION 14: CONFLICTING ORDINANCES

All other ordinances of the County of Oconee that are in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 15: SEVERABILITY CLAUSE

If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not effect the remaining parts of this ordinance.


H. Frank Ables, Jr., Chair
Oconee County Council

Attest:

Opal O. Green
Opal O. Green, Clerk
Oconee County Council

1st Reading: 1/4/05
2nd Reading: 1/18/05
3rd Reading: 2/1/05

**STATE OF SOUTH CAROLINA
COUNTY OF OCONEE
ORDINANCE 2022-29**

**AN ORDINANCE TO AMEND CHAPTER 4 OF THE
OCONEE COUNTY CODE OF ORDINANCES, ENTITLED
THE *OCONEE COUNTY ANIMAL CONTROL ACT*; AND
OTHER MATTERS RELATED THERETO.**

WHEREAS, consistent with the powers granted county governments by S.C. Code § 4-9-25 and S.C. Code § 4-9-30, Oconee County ("County"), a body politic and corporate and a political subdivision of the State of South Carolina, acting by and through its governing body, the Oconee County Council ("County Council"), has the authority to enact regulations, resolutions, and ordinances not inconsistent with the Constitution and the general law of the State of South Carolina, including the exercise of such powers in relation to health and order within its boundaries and respecting any subject as appears to it necessary and proper for the security, general welfare, and convenience of the County or for preserving health, peace, order, and good government therein;

WHEREAS, the County has adopted multiple ordinances for the effective, efficient governance of the County, which, subsequent to adoption, are codified in the Oconee County Code of Ordinances (the "Code of Ordinances"), as amended;

WHEREAS, County Council recognizes that there is a need to revise the law of the County to meet the changing needs of the County and that there is a need to amend, specifically, certain sections of Chapter 4 of the Code of Ordinances, entitled the *Oconee County Animal Control Act*;

WHEREAS, the County has specific authority pursuant South Carolina state law, including the provisions of S.C. Code § 47-3-10, et seq. and S.C. Code § 47-5-10, et seq., to regulate issues related to animal control and care; and

WHEREAS, County Council has therefore determined to modify Chapter 4 of the Code of Ordinances and to affirm and preserve all other provisions of the Code of Ordinances not specifically, or by implication, amended hereby.

NOW, THEREFORE, it is hereby ordained by the Oconee County Council, in meeting duly assembled, that:

1. Chapter 4 of the Code of Ordinances, entitled the *Oconee County Animal Control Act*, is hereby revised, rewritten, and amended to read as set forth in Exhibit A which is attached hereto and incorporated herein by reference. Attached hereto as Exhibit B is a version of Chapter 4 showing the substantive changes made to the existing ordinance; it is for illustrative purposes only and shall not be codified.

2. Should any part or provision of this Ordinance be deemed unconstitutional or unenforceable by any court of competent jurisdiction, such determination shall not affect the rest and remainder of this Ordinance, all of which is hereby deemed separable.

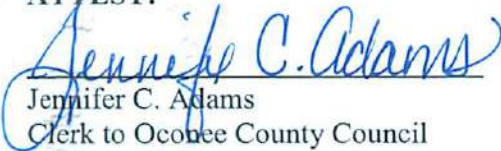
3. All ordinances, orders, resolutions, and actions of County Council inconsistent herewith are, to the extent of such inconsistency only, hereby repealed, revoked, and rescinded.

4. All other terms, provisions, and parts of the Code of Ordinances not amended hereby, directly or by implication, shall remain in full force.

5. This Ordinance shall take effect and be in full force from and after third reading and enactment by County Council.

ORDAINED in meeting, duly assembled, this 3rd day of January, 2023.

ATTEST:


Jennifer C. Adams
Clerk to Oconee County Council


Chair, Oconee County Council

First Reading:	November 15, 2022
Second Reading:	December 06, 2022
Third Reading:	January 03, 2023
Public Hearing:	January 03, 2023

2022-29 EXHIBIT B

Chapter 4 ANIMALS¹

Sec. 4-1. Title.

This chapter shall be known as the Oconee County Animal Control Act.
(Ord. No. 2005-01, § 1, 2-1-2005)

Sec. 4-2. 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:

Abandoned or stray animal means any animal unattended for a period of more than three days.

Abandoned animal means an animal that has been deserted, forsaken, or given up without another owner being secured. An abandoned animal is also one that has not been provided regular access to adequate and appropriate food, water, shelter, and care. Cats subject to an approved community cat program or trap, neuter, spay, and release program are not considered abandoned animals.

Adequate shelter means that shelter which will keep a non-aquatic animal dry, out of the direct path of winds, out of direct sun, and at a temperature that is healthful for the animal. The containment area for the animal shall be free of accumulated waste and debris so that the animal shall be free to walk or lie down without coming in contact with waste or debris; shall be free of unsanitary conditions which result in offensive odors or are dangerous to the animal or to public health, welfare or safety; and shall be as free of ticks, fleas, flies, and mosquitoes as reasonably possible. A suitable method of drainage shall be provided to eliminate any excess water or moisture rapidly. Aquatic and semi-aquatic animals shall have an adequate amount of clean water in which to move. For dogs outside and unattended, adequate shelter shall meet the following minimum standards:

1. The shelter shall adequately resist water and wind and be of a suitable size to accommodate the dog and allow retention of body heat.
2. At or below thirty-two degrees Fahrenheit, the structure shall be provided with a sufficient quantity of dry bedding material or other means of protection from the weather that will allow the animal to retain body heat.

¹Cross reference(s)—Environment, ch. 12.

State law reference(s)—Authority to provide for control of dogs and other domestic pets, S.C. Code 1976, § 47-3-10 et seq.; rabies control, S.C. Code 1976, §§ 47-5-10—47-5-210.

3. At or above eighty degrees Fahrenheit, each dog must be afforded one or more separate areas of shade large enough to accommodate the entire body of the dog at one time to ensure protection from the direct rays of the sun.

Animal means ~~every nonhuman species of animal; a living vertebrate creature, excepting homo-~~
~~sapiens.~~

Animal at large means any animal not under the restraint of a person capable of controlling the animal and/or off the premises of the owner. A community cat is not considered an animal at large.

Animal control officer means any person designated by the State of South Carolina or county governing authority of Oconee County as a law enforcement officer pursuant to S.C. Code 1976, § 47-3-30.

Animal rescuer means any recognized group or person who routinely obtains an unwanted dog or cat and ~~or~~ who promptly finds an adoptive home for that spayed or neutered dog or cat.

Animal shelter means any premises designated by the county governing body for the purpose of impounding, care, or ~~destruction~~ humane euthanasia of animals held under authority of this chapter and/or state law.

Community cat means any free-roaming cat found outside, which one or more citizens participate in caring for. Citizens that partake in caring for a community cat must ensure that the cat's ears are tipped so that it can be distinguished from owned or stray cats. Community cats must also be spayed or neutered and vaccinated to prevent the spread of disease to owned animals.

Dangerous animal means an animal:

- (1) Which the owner knows or reasonably should know has a propensity, tendency, or disposition to attack unprovoked or cause injury or otherwise endanger the safety of human beings or domestic animals;
- (2) Which makes an unprovoked attack that causes bodily injury to a human being and the attack occurs in a place other than the place where the animal is confined as required by S.C. Code 1976, § 47-3-720;
- (3) ~~Which~~ Which commits unprovoked acts in a place other than the place where the animal is confined as required by S.C. Code 1976, § 47-3-720, and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to a human being;
- (4) Which is owned or harbored primarily or in part for the purpose of fighting or which is trained for fighting; or
- (5) Which attacks, bites, or injures a human being or domesticated animal without adequate provocation, or which, because of temperament, conditioning or training, has a known propensity to attack, bite, or injure human beings or domesticated animals.

An animal is not a dangerous animal solely by virtue of its breed or species.

~~Humane Society means the South Carolina Society for the Prevention of Cruelty to Animals.~~

~~Humane Society officer means any officer or employee of the Humane Society.~~

Owner means any person, partnership, or corporation owning, keeping, or harboring one or more animals. An animal, excluding a community cat, shall be declared to be harbored if it is fed for three (3) consecutive days or more, unless said person, partnership or corporation has notified animal control to pick up the stray animal.

Pet or companion animal means any animal kept for pleasure rather than utility; an animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter.

Potentially dangerous animal means an animal that, without provocation, chases or approaches any person or domestic animal, anywhere other than on the property of the owner, in a menacing fashion or with an apparent attitude of attack, including, but not limited to, behavior such as growling or snarling.

Public nuisance animal means any animal, ~~except those raised for food and/or food products,~~ that unreasonably annoys humans, endangers the life or health of other citizens (other than its owners), or interferes with a citizen's enjoyment of life or property. The term "public nuisance animal" means and includes, but is not limited to, any animal that:

- (1) Is found at large after a written complaint has been filed;
- (2) Damages the property of anyone other than its owner;
- (3) Molests or intimidates pedestrians or passersby;
- (4) Excessively makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored; (Refer to Chapter 12, Article 2 of the Oconee County Code of Ordinances for additional provisions related to noise disturbance;
- (5) Causes fouling of the air off the premises of the owner by odor resulting from failure to remove feces every 24 hours or washing of same into an approved underground disposal ~~systems~~system every 24 hours, excepting animals lawfully raised for food or food products;
- (6) Has been found by the animal control officer after notice of its owner to be a public nuisance animal by virtue of being a menace to the public health, welfare, or safety; or
- (7) ~~Does~~A dog or cat that does not have attached a valid current rabies inoculation tag as required by state law.

Under restraint. An animal shall be deemed under restraint if it is on the premises of its owner or ~~keeper~~custodian or is accompanied by its owner or ~~keeper~~custodian and under the physical control of such owner or ~~keeper~~custodian by means of a restraining ~~devices, or under the verbal command, or under the active control of the owner or trainer while~~device. This section does not apply to dogs lawfully engaged in hunting or being trained and while on property of the owner or with the property owner's permission.

(Ord. No. 2005-01, § 2, 2-1-2005)

Sec. 4-3. Authority.

This chapter is adopted pursuant to the provisions of S.C. Code 1976, § 47-3-20 et seq.
(Ord. No. 2005-01, § 3, 2-1-2005)

Sec. 4-4. Restraint.

- (a) All owned animals shall be kept under restraint, which includes confinement to the owner's or custodian's premises. (See Section 4-2 Definitions, above.)
- (b) No owner shall fail to exercise proper care and control of his animal to prevent it from being a public nuisance.
- (c) ~~Every~~ Owners shall ensure that if their female dog or cat is in heat, it shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding.
- (d) Every dangerous animal and potentially dangerous animal, as determined under this chapter, shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.

(e) Owners shall ensure their animals are restrained in a humane manner.

(f) If a dog must be restrained by means other than a fence or other humane enclosure, a tethering system must be used that meets the following criteria:

(1) The tether shall be at least 10 feet in length.

(2) The tether shall not be a logging chain, tow chain, or other tether that is of a weight that is likely to cause injury to the dog;

(3) The tether should have swivels on both ends and allow the dog to have the highest degree of movement practicable without becoming entangled; 360 degrees is ideal. This is best accomplished by using a single stake system with swivel on top to allow the dog free movement. A secondary option is to have the dog tether, with swivels, attached to a trolley system that allows the dog to move freely along a runner line. The trolley system should be at least three feet above the ground.

(4) The tether must allow the dog free access to food, potable water, and adequate shelter (as defined in Section 4-2 of this Chapter).

(5) The tether must be attached to a properly fitting collar or harness so that there is no harm to the dog.

(6) If more than one dog is tethered in the same area, they must be separated to prevent entanglement.

(7) If an underground or wireless fence is used to restrain a dog(s), the fence and appurtenances must be properly maintained so as to keep the dog(s) within the enclosed area and the fence must be capable of restraining the animal confined.

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(Supp. No. 44)

(Ord. No. 2005-01, § 4, 2-1-2005)

Sec. 4-5. Biting or attacking persons.

All animal bites or injuries to a human being shall be reported by medical personnel with knowledge of the bite or injury to the rabies control officer in the department of health and environmental control. Whenever the animal control ~~officer or Humane Society~~ officer is notified and shown that an animal has bitten or attacked a person, such officer shall promptly notify the county department of health and environmental control of such bite or attack and shall cooperate with the health department in impounding and quarantining such animal.

(Ord. No. 2005-01, § 5, 2-1-2005)

Sec. 4-6. Impoundment and violation notice.

- (a) (1) Unrestrained and nuisance ~~animals~~animals, upon receipt of a written complaint signed by the complainant, may be taken by law enforcement officials and/or animal control officers and impounded in the county animal shelter and there be confined in a humane manner.
- (2) In addition to, or in lieu of, impounding an animal at large, the animal control officer or lawful constable or deputy sheriff may issue to the known owner of such animal a notice of ordinance violation. ~~Such notice shall impose upon the owner a warning for a first offense. The owner shall be charged a penalty of \$100.00 for the second violation, \$125.00 for the third violation and \$150.00 for each subsequent violation. Said penalties shall be made payable to the treasurer of the county and paid at the county animal shelter within ten business days from the date of issuance in full satisfaction of the assessed penalty. In the event that such penalty is not paid within the time period described, a bench warrant shall be issued by a magistrate and, upon conviction, the owner shall be punished as provided in section 4-12. Such notice shall impose upon the owner a warning for a first offense, with subsequent offenses being punishable up to the jurisdictional limits of the magistrate's court~~
- (3) In addition, the owner shall be required to pay a fee of ~~\$5~~10.00 per day for each day the animal is boarded by the county, actual cost for inoculation of the animal (if applicable) and a \$5.00 impoundment fee. ~~In addition, at the discretion of the animal shelter, a fee of \$30.00 and mandatory sterilization of the animal may be required if the animal is impounded on more than one occasion. The impoundment fee shall be \$5.00 and \$25.00 shall help defray the cost of sterilization. The sterilization shall not be required if the owner or other person redeeming the animal provides a written statement from a licensed veterinarian that the spay or neuter procedure would be harmful to the animal due to reasons of age or health or that the animal has already been sterilized. 10.00 impoundment fee. Further, a \$15.00 fee will be charged for a mandatory microchip implant for animals not previously microchipped.~~
- (b) Notwithstanding the above, an animal control officer and/or law enforcement officer may without written complaint impound animals not having a valid current rabies inoculation tag and found off the owner's property.
- (c) Impounded dogs and cats shall not be kept for fewer than five ~~working~~(5) calendar days.

- (d) ~~If by tag or other means~~ Animal control officers shall not destroy any positively identifiable dog until they have notified the owner of an impounded animal can be identified, at his last known address by registered mail that they have the dog in their possession. The owner must notify the animal control officer shall immediately upon impoundment notify the owner by telephone within two weeks that he will pick up his dog. If the owner does not pick up his dog within two weeks of notification to the animal control officer, the dog may be destroyed. Reasonable costs associated with the above extended holding period, including cost of mailing the required notice, must be paid before the dog is returned to its owner, or the owner's designee, in addition to any other established costs, fines, fees, or certified mail. Any identifiable animal, not appearing to be abandoned, upon notification of the owner by telephone or certified mail, shall not be kept for fewer than ten days, other charges.
- (e) Abandoned animals shall be impounded and shall be kept for no fewer than five ~~working~~ (5) calendar days.
- (f) Any owner reclaiming an impounded dog or cat shall pay the fee provided for in subsection (a) of this section before the animal can be released.
- (g) Any owner claiming an impounded dog or cat shall show proof that the animal is currently inoculated against rabies. If such animal is not currently inoculated against rabies the owner shall cause the animal to be inoculated at the owner's expense.
- (h) Any animal not reclaimed by its owner within five ~~working~~ (5) calendar days, or in the case of a positively identifiable animal within ten (10) calendar days, shall become the property of the local government authority and shall be placed for adoption in a suitable home or humanely ~~disposed of~~ euthanized, as approved by state law.
- (i) The animal shelter director shall keep complete and accurate records of the care, veterinary treatment, and disposition of all animals impounded at the shelter.
- (j) It shall be unlawful for any person to release or take out of impoundment any animal without proper authority.
- (k) It shall be unlawful to resist or hinder animal control officers or law enforcement officers engaging in the capture and impoundment of an animal. ~~It shall be unlawful to give false information to an animal control officer or law enforcement officer.~~
- (l) It shall be unlawful to remove the rabies tag from the dog for which the tag was issued.
- (Ord. No. 2005-01, § 6, 2-1-2005)

Sec. 4-7. Dangerous animals.

- (a) ~~The~~ If an animal control officer ~~and law enforcement officials shall have the power~~ has probable cause to summarily and immediately impound any ~~believe that a dangerous animal where there is any evidence that the animal has attacked, bitten, or injured any human being~~ harbored or cared for in violation of S.C. Code § 47-3-720 (unconfined on premises) or domestic § 47-3-740 (owning/harboring for purposes of fighting) or § 47-3-760(E) (registration), the officer may petition the court having

-
- jurisdiction to order the seizure and impoundment of the dangerous animal while the trial is pending.
- (b) If an animal, the control agent has probable cause to believe that a dangerous animal is being harbored or housed in violation of S. C. Code Section § 47-3-730 (unrestrained off premises), the agent or officer may seize and impound the dangerous animal while the trial is pending.
- (c) Animals impounded under subsections (a) or (b), above, shall be kept at the county animal shelter or at a veterinarian designated by the owner at the owner's expense for quarantine pending a determination of the animal's status as a dangerous animal. In the event that an animal bites a member of the animal owner's family, and the animal owner requests that the animal be impounded by the animal owner, the animal control officer or law enforcement officer may, in his discretion, allow the animal owner to impound said animal on said animal owner's property.
- (bd) Upon impounding a potentially dangerous animal or a dangerous animal that has attacked, bitten or injured a human being or a domestic animal under this section, a determination hearing should be conducted within five business days of serving as soon as reasonably possible, with notice to of such hearing being served on the owner by certified registered mail or personal service at least ten (10) days prior to the hearing. If the owner fails to appear at the hearing, the hearing shall nevertheless proceed and an appropriate order may be issued. The magistrate shall determine whether to declare the animal to be a dangerous animal based upon the evidence and testimony presented at the hearing by the owner, witnesses to any incidents, or any other persons possessing information pertinent to such determination, such as veterinarians or dog obedience trainers. The magistrate shall issue written findings within five ten (10) business days after the hearing. The owner of such animal shall have a right to appeal the decision to the court of common pleas of the county within ten (10) days of receiving such the decision of the magistrate.
- (ec) An animal determined to be dangerous as determined in subsection (b) of under this section, which has attacked or caused injury to a human being or a domestic animal, may be ordered destroyed by the magistrate when in the magistrate's judgment the dangerous animal represents a continuing threat of serious harm to human beings or other domestic animals after the quarantine period has expired. Any dangerous animal may also be destroyed if the owner of the dangerous animal relinquishes ownership or control of the animal to the Humane Society animal shelter or law enforcement officer. A magistrate may return a dangerous animal to the owner if the magistrate finds that the animal will not pose a threat to human beings and/or domestic animals and that the owner has and will fully comply with subsections (d), (f), (g), and (h) of this section.
- (ef) The owner of a dangerous animal shall secure and confine said dangerous animal on the owner's property in an enclosed pen or structure which must be secured by lock and locked (with a key or combination lock). The pen or structure, shall be suitable to prevent the animal from escaping said pen or structure. The pen or structure shall have secure sides and a secure top which protects the animal from the elements. Also, all sides must be embedded into the

ground with no less than two feet unless the bottom is secured to the sides. The structure must be kept in a clean and sanitary condition and provide adequate light and ventilation. The enclosure shall not be less than five feet by ten feet and not less than six feet high.

(eg) No person owning or harboring or having care of a dangerous animal may permit the animal to go beyond the person's premises unless the animal is securely muzzled and restrained with a leash or chain having a minimum tensile strength of 300 pounds and not exceeding three feet in length.

(h) In accordance with S.C. Code of Laws § 47-3-760 (E) all dangerous animals inside Oconee County must be registered with the Oconee County Animal Control, or its successor "law enforcement authority." If the animal was deemed dangerous by an Oconee County Court, a copy of the court order must be kept on file. If the dangerous animal was transferred into Oconee from another county or state, documentation from that jurisdiction must be provided within thirty (30) days. The Director of Animal Control will be responsible for maintaining records of all dangerous animals inside Oconee County. The registration application must be accompanied by proof of liability insurance or surety bond of at least fifty thousand dollars insuring or securing the owner for personal injuries inflicted by the dangerous animal. Oconee County Animal Control, or its successor, shall provide to the owner registering the dangerous animal a metal license tag and a certificate along with a designated dangerous dog collar. Fees for these items must be collected at registration. The metal license tag must be attached to a collar or harness and worn at all times by the dangerous animal for which the certificate and tag have been issued. The pen or structure must be clearly marked on 4 sides with a sign stating "dangerous animal."

(1) Registration information required for dangerous animals:

(a) Species and breed.

(b) Address of where animal will be located.

(c) Owner information.

(d) Proof of rabies inoculation (must be submitted annually).

(e) Photo of animal (must be submitted annually).

(f) Waiver for inspections of confinement site.

(2) The owner of a dangerous animal shall notify Oconee County Animal Control if any changes occur with the following:

(a) Ownership. In the case of a change of ownership, the name, address, and telephone number of the new owner/custodian must, within five (5) days of transfer, be provided to Oconee County Animal Control. Oconee County Animal Control will notify the new owner/custodian of the dangerous animal's status, and also notify the animal control services in the jurisdiction where the animal is housed.

(b) Address change of the owner/custodian or any change in the location in which the animal is housed.

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{Supp. No. 44}

(c) Any material change in the health status of the animal.

(d) Death of the animal.

_(Ord. No. 2005-01, § 7, 2-1-2005)

Cross reference(s)—Environment. ch. 12

Sec. 4-8. Potentially dangerous animals.

- (a) The animal control officer or law enforcement officials shall have the power to summarily and immediately impound any animal where there is any evidence that the animal has chased or approached any person or domestic animal, on property other than the property of the owner, in a menacing fashion or with an apparent attitude of attack, including, but not limited to, behavior such as growling or snarling. The animal shall be kept at the county animal shelter or at a veterinarian designated by the owner at the owner's expense for quarantine pending determination of the animal's status as a potentially dangerous animal. The animal control officer or law enforcement officer may, in his discretion, allow the animal owner to impound said animal on said animal owner's property.
- (b) Upon impounding a potentially dangerous animal, ~~the a~~ determination hearing should be conducted ~~within five days of serving as soon as reasonably possible, with~~ notice ~~to of such hearing~~ being served on the owner by ~~certified~~registered mail or personal service at least ten (10) days prior to the hearing. If the owner fails to appear at the hearing, the hearing shall nevertheless proceed and an appropriate order may be issued. The magistrate shall determine whether to declare the animal to be a potentially dangerous animal based ~~on~~upon the evidence ~~of and~~ testimony presented at the hearing by the owner, witnesses to any ~~incidences, and incidents, or~~ any other persons possessing information pertinent to such determination, such as veterinarians or dog obedience trainers. The magistrate shall issue written findings within ~~five~~ten (10) business days after the hearing. The owner of such animal shall have ~~the a~~ right to appeal ~~such a the~~ decision to the court of common pleas of the county within ten (10) days of receiving the decision of the magistrate.
- (c) Upon a finding that an animal is a potentially dangerous animal, the magistrate may order that the animal be forfeited by the owner and placed with an agency willing to accept custody of said animal or may return said animal to the owner if the owner has and will comply with subsections (d) and (e) of this section.
- (d) The owner of a potentially dangerous animal shall secure and confine said potentially dangerous animal on the owner's property in an enclosed and locked (with a key or combination lock) pen or structure, suitable to prevent the animal from escaping said pen or structure. The pen or structure shall have secure sides and a secure top which protects the animal from the elements. Also, all sides must be embedded into the ground with no less than two feet unless the bottom is secured to the sides. The structure must be kept in a clean and sanitary condition and provide adequate light and ventilation. The enclosure shall not be less than five feet by ten feet and not less than six feet high.

- (e) No person owning or harboring or having care of a potentially dangerous animal may permit the animal to go beyond the person's premises unless the animal is securely muzzled and restrained with a leash or chain having a minimum tensile strength of 300 pounds and not exceeding three feet in length.

(Ord. No. 2005-01, § 8, 2-1-2005)

Sec. 4-9. Animal care.

- (a) No owner shall fail to provide his animals with:

- (1) ~~The necessary~~Necessary subsistence and adequate shelter, as defined in Section 4-2;
- (2) Veterinary care when needed to prevent suffering; and
- (3) Humane care and treatment.

All animals shall be kept in a clean and sanitary condition. The premises upon which the animal is kept shall be kept in a clean and sanitary condition and provide adequate light, shelter and ventilation.

- (b) No owner of an animal shall abandon such animal. A person who returns a community cat to the location from where it was collected shall not be considered to have abandoned that animal.

- (c) Any animal found abandoned and not properly cared for, appearing to be diseased or injured past recovery for any useful purpose, may be ~~lawfully destroyed~~humanely euthanized by an agent of the department of health and environmental control, law enforcement officer, or an animal control officer ~~or officer of the Humane Society,~~ by a method approved by state law.

(1) If the animal is identifiable, attempts to contact the owner shall be made by phone or at the residence in person.

(2) If the animal is not identifiable and is in great pain, the cause of which is not reasonably treatable, the animal may be humanely euthanized immediately without attempts to contact the owner.

- (d) Any animal found abandoned, neglected, cruelly treated, or unfit for use may be seized from the owner's property by the animal control officer or law enforcement officer and impounded at the county animal shelter; provided, however, that the officer shall give notice of this seizure by posting a copy of it at the location where the animal was seized or by delivering it to a person residing on the property of the owner within 24 hours of the time the animal was seized.
- (e) The owner of any animal impounded under the provisions of this section shall be responsible for payment of any necessary medical care as determined by a veterinarian in addition to any penalties, impoundment fees, and board fees.

(Ord. No. 2005-01, § 9, 2-1-2005)

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Sec. 4-10. Sterilization.

- (a) No unclaimed dog or cat shall be released for adoption without written agreement by means of a spay/neuter contract from the adopter guaranteeing that such animal will be sterilized within 30 days for adults and a specified date in the contract for pups and kittens; provided, however, the county provides a program whereby the spay/neuter is included with the adoption fee.
- (b) No animal shall be released for adoption from the county animal shelter that has not been sterilized; provided however, that the county or its contractor provides a program whereby the spay/neuter is included with the adoption fee.

(Ord. No. 2005-01, § 10, 2-1-2005)

Sec. 4-11. Enforcement.

The civil and criminal provisions of this chapter shall be enforced by those persons or agencies legally authorized by the county ~~authority for that purpose~~. It shall be a violation of this chapter to interfere with an animal control officer or law enforcement officer in the performance of his duties. ~~The~~ It shall be a violation of this chapter to provide false information to a law enforcement officer or an animal control officer. This includes but is not limited to information provided on intake forms, bite reports, owner surrender forms, complaint forms, and reclaim forms. Any person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction may be fined and/or imprisoned consistent with the jurisdictional limits of the magistrate's court. Additionally, the magistrate of the county shall have the authority to issue a bench warrant in the enforcement of this chapter.

(Ord. No. 2005-01, § 11, 2-1-2005)

Sec. 4-12. Penalties for violation of chapter.

Any person found violating any ~~provisions~~ provision of this chapter shall be deemed guilty of a misdemeanor and ~~shall, for every each offense, may be guilty of a misdemeanor fined and be punished by imprisonment in jail not exceeding 30 days or by a fine not exceeding \$500.00~~ imprisoned consistent with the jurisdictional limits of the magistrate's court. In addition, upon conviction of any violation under this chapter, a court may order an animal forfeited by the owner or owners and placed within an agency willing to accept custody of the animal, where the court finds that the animal has been cruelly treated, or the owners have been convicted of allowing the animal to run at large on two or more previous occasions.

(Ord. No. 2005-01, § 12, 2-1-2005)

Sec. 4-13. Applicability of Rabies Control Act.

The provisions of S.C. Code 1976, § 47-5-10 et seq., commonly known as the Rabies Control Act, are hereby adopted in their entirety, as the same may be from time to time amended, as an

integral part of this chapter, except insofar as the provisions of such act may conflict with or be less restrictive than the provisions of this chapter.

(Ord. No. 2005-01, § 13, 2-1-2005)

2022-29 EXHIBIT A

Chapter 4 ANIMALS¹

Sec. 4-1. Title.

This chapter shall be known as the Oconee County Animal Control Act.
(Ord. No. 2005-01, § 1, 2-1-2005)

Sec. 4-2. 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:

Abandoned animal means an animal that has been deserted, forsaken, or given up without another owner being secured. An abandoned animal is also one that has not been provided regular access to adequate and appropriate food, water, shelter, and care. Cats subject to an approved community cat program or trap, neuter, spay, and release program are not considered abandoned animals.

Adequate shelter means that shelter which will keep a non-aquatic animal dry, out of the direct path of winds, out of direct sun, and at a temperature that is healthful for the animal. The containment area for the animal shall be free of accumulated waste and debris so that the animal shall be free to walk or lie down without coming in contact with waste or debris; shall be free of unsanitary conditions which result in offensive odors or are dangerous to the animal or to public health, welfare or safety; and shall be as free of ticks, fleas, flies, and mosquitoes as reasonably possible. A suitable method of drainage shall be provided to eliminate any excess water or moisture rapidly. Aquatic and semi-aquatic animals shall have an adequate amount of clean water in which to move. For dogs outside and unattended, adequate shelter shall meet the following minimum standards:

1. The shelter shall adequately resist water and wind and be of a suitable size to accommodate the dog and allow retention of body heat.
2. At or below thirty-two degrees Fahrenheit, the structure shall be provided with a sufficient quantity of dry bedding material or other means of protection from the weather that will allow the animal to retain body heat.
3. At or above eighty degrees Fahrenheit, each dog must be afforded one or more separate areas of shade large enough to accommodate the entire body of the dog at one time to ensure protection from the direct rays of the sun.

¹Cross reference(s)—Environment, ch. 12.

State law reference(s)—Authority to provide for control of dogs and other domestic pets, S.C. Code 1976, § 47-3-10 et seq.; rabies control, S.C. Code 1976, §§ 47-5-10—47-5-210.

Animal means a living vertebrate creature, excepting homo-sapiens.

Animal at large means any animal not under the restraint of a person capable of controlling the animal and/or off the premises of the owner. A community cat is not considered an animal at large.

Animal control officer means any person designated by the State of South Carolina or county governing authority of Oconee County as a law enforcement officer pursuant to S.C. Code 1976, § 47-3-30.

Animal rescuer means any recognized group or person who routinely obtains an unwanted dog or cat and who promptly finds an adoptive home for that spayed or neutered dog or cat.

Animal shelter means any premises designated by the county governing body for the purpose of impounding, care, or humane euthanasia of animals held under authority of this chapter and/or state law.

Community cat means any free-roaming cat found outside, which one or more citizens participate in caring for. Citizens that partake in caring for a community cat must ensure that the cat's ears are tipped so that it can be distinguished from owned or stray cats. Community cats must also be spayed or neutered and vaccinated to prevent the spread of disease to owned animals.

Dangerous animal means an animal:

- (1) Which the owner knows or reasonably should know has a propensity, tendency, or disposition to attack unprovoked or cause injury or otherwise endanger the safety of human beings or domestic animals;
- (2) Which makes an unprovoked attack that causes bodily injury to a human being and the attack occurs in a place other than the place where the animal is confined as required by S.C. Code 1976, § 47-3-720;
- (3) Which commits unprovoked acts in a place other than the place where the animal is confined as required by S.C. Code 1976, § 47-3-720, and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to a human being;
- (4) Which is owned or harbored primarily or in part for the purpose of fighting or which is trained for fighting; or
- (5) Which attacks, bites, or injures a human being or domesticated animal without adequate provocation, or which, because of temperament, conditioning or training, has a known propensity to attack, bite, or injure human beings or domesticated animals.

An animal is not a dangerous animal solely by virtue of its breed or species.

Owner means any person, partnership, or corporation owning, keeping, or harboring one or more animals. An animal, excluding a community cat, shall be declared to be harbored if it is fed for three (3) consecutive days or more, unless said person, partnership or corporation has notified animal control to pick up the stray animal.

Pet or companion animal means any animal kept for pleasure rather than utility; an animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter.

Potentially dangerous animal means an animal that, without provocation, chases or approaches any person or domestic animal, anywhere other than on the property of the owner, in a menacing fashion or with an apparent attitude of attack, including, but not limited to, behavior such as growling or snarling.

Public nuisance animal means any animal, that unreasonably annoys humans, endangers the life or health of other citizens (other than its owners), or interferes with a citizen's enjoyment of life or property. The term "public nuisance animal" means and includes, but is not limited to, any animal that:

- (1) Is found at large after a written complaint has been filed;
- (2) Damages the property of anyone other than its owner;
- (3) Molests or intimidates pedestrians or passersby;
- (4) Excessively makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored. (Refer to Chapter 12, Article 2 of the Oconee County Code of Ordinances for additional provisions related to noise disturbance;
- (5) Causes fouling of the air off the premises of the owner by odor resulting from failure to remove feces every 24 hours or washing of same into an approved underground disposal system every 24 hours, excepting animals lawfully raised for food or food products;
- (6) Has been found by the animal control officer after notice of its owner to be a public nuisance animal by virtue of being a menace to the public health, welfare, or safety; or
- (7) A dog or cat that does not have attached a valid current rabies inoculation tag as required by state law.

Under restraint. An animal shall be deemed under restraint if it is on the premises of its owner or custodian or is accompanied by its owner or custodian and under the physical control of such owner or custodian by means of a restraining device. This section does not apply to dogs lawfully engaged in hunting.

(Ord. No. 2005-01, § 2, 2-1-2005)

Sec. 4-3. Authority.

This chapter is adopted pursuant to the provisions of S.C. Code 1976, § 47-3-20 et seq.

(Ord. No. 2005-01, § 3, 2-1-2005)

Sec. 4-4. Restraint.

- (a) All owned animals shall be kept under restraint, which includes confinement to the owner's or custodian's premises. (See Section 4-2 Definitions, above.)
- (b) No owner shall fail to exercise proper care and control of his animal to prevent it from being a public nuisance.

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- (c) Owners shall ensure that if their female dog or cat is in heat, it shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding.
 - (d) Every dangerous animal and potentially dangerous animal, as determined under this chapter, shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.
 - (e) Owners shall ensure their animals are restrained in a humane manner.
 - (f) If a dog must be restrained by means other than a fence or other humane enclosure, a tethering system must be used that meets the following criteria:
 - (1) The tether shall be at least 10 feet in length.
 - (2) The tether shall not be a logging chain, tow chain, or other tether that is of a weight that is likely to cause injury to the dog;
 - (3) The tether should have swivels on both ends and allow the dog to have the highest degree of movement practicable without becoming entangled; 360 degrees is ideal. This is best accomplished by using a single stake system with swivel on top to allow the dog free movement. A secondary option is to have the dog tether, with swivels, attached to a trolley system that allows the dog to move freely along a runner line. The trolley system should be at least three feet above the ground.
 - (4) The tether must allow the dog free access to food, potable water, and adequate shelter (as defined in Section 4-2 of this Chapter).
 - (5) The tether must be attached to a properly fitting collar or harness so that there is no harm to the dog.
 - (6) If more than one dog is tethered in the same area, they must be separated to prevent entanglement.
 - (7) If an underground or wireless fence is used to restrain a dog(s), the fence and appurtenances must be properly maintained so as to keep the dog(s) within the enclosed area and the fence must be capable of restraining the animal confined.
- (Ord. No. 2005-01, § 4, 2-1-2005)

Sec. 4-5. Biting or attacking persons.

All animal bites or injuries to a human being shall be reported by medical personnel with knowledge of the bite or injury to the rabies control officer in the department of health and environmental control. Whenever the animal control officer is notified and shown that an animal has bitten or attacked a person, such officer shall promptly notify the county department of health and environmental control of such bite or attack and shall cooperate with the health department in impounding and quarantining such animal.

(Ord. No. 2005-01, § 5, 2-1-2005)

Sec. 4-6. Impoundment and violation notice.

- (a) (1) Unrestrained and nuisance animals, upon receipt of a written complaint signed by the complainant, may be taken by law enforcement officials and/or animal control officers and impounded in the county animal shelter and there be confined in a humane manner.
- (2) In addition to, or in lieu of, impounding an animal at large, the animal control officer or lawful constable or deputy sheriff may issue to the known owner of such animal a notice of ordinance violation. Such notice shall impose upon the owner a warning for a first offense, with subsequent offenses being punishable up to the jurisdictional limits of the magistrate's court
- (3) In addition, the owner shall be required to pay a fee of \$10.00 per day for each day the animal is boarded by the county, actual cost for inoculation of the animal (if applicable) and a \$10.00 impoundment fee. Further, a \$15.00 fee will be charged for a mandatory microchip implant for animals not previously microchipped.
- (b) Notwithstanding the above, an animal control officer and/or law enforcement officer may without written complaint impound animals not having a valid current rabies inoculation tag and found off the owner's property.
- (c) Impounded dogs and cats shall not be kept for fewer than five (5) calendar days.
- (d) Animal control officers shall not destroy any positively identifiable dog until they have notified the owner at his last known address by registered mail that they have the dog in their possession. The owner must notify the animal control officer within two weeks that he will pick up his dog. If the owner does not pick up his dog within two weeks of notification to the animal control officer, the dog may be destroyed. Reasonable costs associated with the above extended holding period, including cost of mailing the required notice, must be paid before the dog is returned to its owner, or the owner's designee, in addition to any other established costs, fines, fees, or other charges.
- (e) Abandoned animals shall be impounded and shall be kept for no fewer than five (5) calendar days.
- (f) Any owner reclaiming an impounded dog or cat shall pay the fee provided for in subsection (a) of this section before the animal can be released.
- (g) Any owner claiming an impounded dog or cat shall show proof that the animal is currently inoculated against rabies. If such animal is not currently inoculated against rabies the owner shall cause the animal to be inoculated at the owner's expense.
- (h) Any animal not reclaimed by its owner within five (5) calendar days, or in the case of a positively identifiable animal within ten (10) calendar days, shall become the property of the local government authority and shall be placed for adoption in a suitable home or humanely euthanized, as approved by state law.
- (i) The animal shelter director shall keep complete and accurate records of the care, veterinary treatment, and disposition of all animals impounded at the shelter.

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- (j) It shall be unlawful for any person to release or take out of impoundment any animal without proper authority.
 - (k) It shall be unlawful to resist or hinder animal control officers or law enforcement officers engaging in the capture and impoundment of an animal.
 - (l) It shall be unlawful to remove the rabies tag from the dog for which the tag was issued.
- (Ord. No. 2005-01, § 6, 2-1-2005)

Sec. 4-7. Dangerous animals.

- (a) If an animal control officer has probable cause to believe that a dangerous animal is being harbored or cared for in violation of S.C. Code § 47-3-720 (unconfined on premises) or § 47-3-740 (owning/harboring for purposes of fighting) or § 47-3-760(E) (registration), the officer may petition the court having jurisdiction to order the seizure and impoundment of the dangerous animal while the trial is pending.
- (b) If an animal control agent has probable cause to believe that a dangerous animal is being harbored or housed in violation of S. C. Code Section § 47-3-730 (unrestrained off premises), the agent or officer may seize and impound the dangerous animal while the trial is pending.
- (c) Animals impounded under subsections (a) or (b), above, shall be kept at the county animal shelter or at a veterinarian designated by the owner at the owner's expense for quarantine pending a determination of the animal's status as a dangerous animal. In the event an animal bites a member of the animal owner's family, and the animal owner requests that the animal be impounded by the animal owner, the animal control officer or law enforcement officer may, in his discretion, allow the animal owner to impound said animal on said animal owner's property.
- (d) Upon impounding an animal under this section, a determination hearing should be conducted as soon as reasonably possible, with notice of such hearing being served on the owner by registered mail or personal service at least ten (10) days prior to the hearing. If the owner fails to appear at the hearing, the hearing shall nevertheless proceed and an appropriate order may be issued. The magistrate shall determine whether to declare the animal to be a dangerous animal based upon the evidence and testimony presented at the hearing by the owner, witnesses to any incidents, or any other persons possessing information pertinent to such determination, such as veterinarians or dog obedience trainers. The magistrate shall issue written findings within ten (10) business days after the hearing. The owner of such animal shall have a right to appeal the decision to the court of common pleas of the county within ten (10) days of receiving the decision of the magistrate.
- (e) An animal determined to be dangerous under this section, which has attacked or caused injury to a human being or a domestic animal, may be ordered destroyed by the magistrate when in the magistrate's judgment the dangerous animal represents a continuing threat of serious harm to human beings or other domestic animals after the quarantine period has expired. Any dangerous animal may also be destroyed if the owner of the dangerous animal relinquishes ownership or control of the animal to the animal shelter or law enforcement officer. A

magistrate may return a dangerous animal to the owner if the magistrate finds that the animal will not pose a threat to human beings and/or domestic animals and that the owner has and will fully comply with subsections (f), (g), and (h) of this section.

- (f) The owner of a dangerous animal shall secure and confine said dangerous animal on the owner's property in an enclosed pen or structure which must be secured by lock and key or combination lock. The pen or structure shall be suitable to prevent the animal from escaping. The pen or structure shall have secure sides and a secure top which protects the animal from the elements. Also, all sides must be embedded into the ground with no less than two feet unless the bottom is secured to the sides. The structure must be kept in a clean and sanitary condition and provide adequate light and ventilation. The enclosure shall not be less than five feet by ten feet and not less than six feet high.
- (g) No person owning or harboring or having care of a dangerous animal may permit the animal to go beyond the person's premises unless the animal is securely muzzled and restrained with a leash or chain having a minimum tensile strength of 300 pounds and not exceeding three feet in length.
- (h) In accordance with S.C. Code of Laws § 47-3-760 (E) all dangerous animals inside Oconee County must be registered with the Oconee County Animal Control, or its successor "law enforcement authority." If the animal was deemed dangerous by an Oconee County Court, a copy of the court order must be kept on file. If the dangerous animal was transferred into Oconee from another county or state, documentation from that jurisdiction must be provided within thirty (30) days. The Director of Animal Control will be responsible for maintaining records of all dangerous animals inside Oconee County. The registration application must be accompanied by proof of liability insurance or surety bond of at least fifty thousand dollars insuring or securing the owner for personal injuries inflicted by the dangerous animal. Oconee County Animal Control, or its successor, shall provide to the owner registering the dangerous animal a metal license tag and a certificate along with a designated dangerous dog collar. Fees for these items must be collected at registration. The metal license tag must be attached to a collar or harness and worn at all times by the dangerous animal for which the certificate and tag have been issued. The pen or structure must be clearly marked on 4 sides with a sign stating "dangerous animal."

(1) Registration information required for dangerous animals:

- (a) Species and breed.
- (b) Address of where animal will be located.
- (c) Owner information.
- (d) Proof of rabies inoculation (must be submitted annually).
- (e) Photo of animal (must be submitted annually).
- (f) Waiver for inspections of confinement site.

(2) The owner of a dangerous animal shall notify Oconee County Animal Control if any changes occur with the following:

(a) Ownership. In the case of a change of ownership, the name, address, and telephone number of the new owner/custodian must, within five (5) days of transfer, be provided to Oconee County Animal Control. Oconee County Animal Control will notify the new owner/custodian of the dangerous animal's status, and also notify the animal control services in the jurisdiction where the animal is housed.

(b) Address change of the owner/custodian or any change in the location in which the animal is housed.

(c) Any material change in the health status of the animal.

(d) Death of the animal.

(Ord. No. 2005-01, § 7, 2-1-2005)

Cross reference(s)—Environment. ch. 12

Sec. 4-8. Potentially dangerous animals.

- (a) The animal control officer or law enforcement officials shall have the power to summarily and immediately impound any animal where there is any evidence that the animal has chased or approached any person or domestic animal, on property other than the property of the owner, in a menacing fashion or with an apparent attitude of attack, including, but not limited to, behavior such as growling or snarling. The animal shall be kept at the county animal shelter or at a veterinarian designated by the owner at the owner's expense for quarantine pending determination of the animal's status as a potentially dangerous animal. The animal control officer or law enforcement officer may, in his discretion, allow the animal owner to impound said animal on said animal owner's property.
- (b) Upon impounding a potentially dangerous animal a determination hearing should be conducted as soon as reasonably possible, with notice of such hearing being served on the owner by registered mail or personal service at least ten (10) days prior to the hearing. If the owner fails to appear at the hearing, the hearing shall nevertheless proceed and an appropriate order may be issued. The magistrate shall determine whether to declare the animal to be a potentially dangerous animal based upon the evidence and testimony presented at the hearing by the owner, witnesses to any incidents, or any other persons possessing information pertinent to such determination, such as veterinarians or dog obedience trainers. The magistrate shall issue written findings within ten (10) business days after the hearing. The owner of such animal shall have a right to appeal the decision to the court of common pleas of the county within ten (10) days of receiving the decision of the magistrate.
- (c) Upon a finding that an animal is a potentially dangerous animal, the magistrate may order that the animal be forfeited by the owner and placed with an agency willing to accept custody of said animal or may return said animal to the owner if the owner has and will comply with subsections (d) and (e) of this section.
- (d) The owner of a potentially dangerous animal shall secure and confine said potentially dangerous animal on the owner's property in an enclosed and locked (with a key or combination lock) pen or structure, suitable to prevent the animal from escaping said pen or

structure. The pen or structure shall have secure sides and a secure top which protects the animal from the elements. Also, all sides must be embedded into the ground with no less than two feet unless the bottom is secured to the sides. The structure must be kept in a clean and sanitary condition and provide adequate light and ventilation. The enclosure shall not be less than five feet by ten feet and not less than six feet high.

- (e) No person owning or harboring or having care of a potentially dangerous animal may permit the animal to go beyond the person's premises unless the animal is securely muzzled and restrained with a leash or chain having a minimum tensile strength of 300 pounds and not exceeding three feet in length.

(Ord. No. 2005-01, § 8, 2-1-2005)

Sec. 4-9. Animal care.

- (a) No owner shall fail to provide his animals with:

- (1) Necessary subsistence and adequate shelter, as defined in Section 4-2;
- (2) Veterinary care when needed to prevent suffering; and
- (3) Humane care and treatment.

All animals shall be kept in a clean and sanitary condition. The premises upon which the animal is kept shall be kept in a clean and sanitary condition and provide adequate light, shelter and ventilation.

- (b) No owner of an animal shall abandon such animal. A person who returns a community cat to the location from where it was collected shall not be considered to have abandoned that animal.
- (c) Any animal found abandoned and not properly cared for, appearing to be diseased or injured past recovery for any useful purpose, may be humanely euthanized by an agent of the department of health and environmental control, law enforcement officer, or an animal control officer, by a method approved by state law.
 - (1) If the animal is identifiable, attempts to contact the owner shall be made by phone or at the residence in person.
 - (2) If the animal is not identifiable and is in great pain, the cause of which is not reasonably treatable, the animal may be humanely euthanized immediately without attempts to contact the owner.
- (d) Any animal found abandoned, neglected, cruelly treated, or unfit for use may be seized from the owner's property by the animal control officer or law enforcement officer and impounded at the county animal shelter; provided, however, that the officer shall give notice of this seizure by posting a copy of it at the location where the animal was seized or by delivering it to a person residing on the property of the owner within 24 hours of the time the animal was seized.

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- (e) The owner of any animal impounded under the provisions of this section shall be responsible for payment of any necessary medical care as determined by a veterinarian in addition to any penalties, impoundment fees, and board fees.

(Ord. No. 2005-01, § 9, 2-1-2005)

Sec. 4-10. Sterilization.

- (a) No unclaimed dog or cat shall be released for adoption without written agreement by means of a spay/neuter contract from the adopter guaranteeing that such animal will be sterilized within 30 days for adults and a specified date in the contract for pups and kittens; provided, however, the county provides a program whereby the spay/neuter is included with the adoption fee.
- (b) No animal shall be released for adoption from the county animal shelter that has not been sterilized; provided however, that the county or its contractor provides a program whereby the spay/neuter is included with the adoption fee.

(Ord. No. 2005-01, § 10, 2-1-2005)

Sec. 4-11. Enforcement.

The civil and criminal provisions of this chapter shall be enforced by those persons or agencies legally authorized by the county for that purpose. It shall be a violation of this chapter to interfere with an animal control officer or law enforcement officer in the performance of his duties. It shall be a violation of this chapter to provide false information to a law enforcement officer or an animal control officer. This includes but is not limited to information provided on intake forms, bite reports, owner surrender forms, complaint forms, and reclaim forms. Any person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction may be fined and/or imprisoned consistent with the jurisdictional limits of the magistrate's court. Additionally, the magistrate of the county shall have the authority to issue a bench warrant in the enforcement of this chapter.

(Ord. No. 2005-01, § 11, 2-1-2005)

Sec. 4-12. Penalties for violation of chapter.

Any person found violating any provision of this chapter shall be deemed guilty of a misdemeanor and, for each offense, may be fined and/or imprisoned consistent with the jurisdictional limits of the magistrate's court. In addition, upon conviction of any violation under this chapter, a court may order an animal forfeited by the owner or owners and placed within an agency willing to accept custody of the animal, where the court finds that the animal has been cruelly treated, or the owners have been convicted of allowing the animal to run at large on two or more previous occasions.

(Ord. No. 2005-01, § 12, 2-1-2005)

Sec. 4-13. Applicability of Rabies Control Act.

The provisions of S.C. Code 1976, § 47-5-10 et seq., commonly known as the Rabies Control Act, are hereby adopted in their entirety, as the same may be from time to time amended, as an integral part of this chapter, except insofar as the provisions of such act may conflict with or be less restrictive than the provisions of this chapter.

(Ord. No. 2005-01, § 13, 2-1-2005)

Chapter 4 ANIMALS¹

Sec. 4-1. Title.

This chapter shall be known as the Oconee County Animal Control Act.

(Ord. No. 2005-01, § 1, 2-1-2005)

Sec. 4-2. 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:

Abandoned animal means any animal that has been deserted, forsaken, or given up without another owner being secured. An abandoned animal is also one that has not been provided regular access to adequate and appropriate food, water, shelter, and care. Cats subject to an approved community cat program or trap, neuter, spay, and release program are not considered abandoned animals.

Adequate shelter means that shelter which will keep a non-aquatic animal dry, out of the direct path of winds, out of direct sun, and at a temperature that is healthful for the animal. The containment area for the animal shall be free of accumulated waste and debris so that the animal shall be free to walk or lie down without coming in contact with waste or debris; shall be free of unsanitary conditions which result in offensive odors or are dangerous to the animal or to public health, welfare, or safety; and shall be free of ticks, fleas, flies, and mosquitoes as reasonably possible. A suitable method of drainage shall be provided to eliminate any excess water or moisture rapidly. Aquatic and semi-aquatic animals shall have an adequate amount of clean water in which to move. For dogs outside and unattended, adequate shelter shall meet the following minimum standards:

- (1) The shelter shall adequately resist water and wind and be of a suitable size to accommodate the dog and allow retention of body heat.
- (2) At or below 32 degrees Fahrenheit, the structure shall be provided with a sufficient quantity of dry bedding material or other means of protection from the weather that will allow the animal to retain body heat.
- (3) At or above 80 degrees Fahrenheit, each dog must be afforded one or more separate areas of shade large enough to accommodate the entire body of the dog at one time to ensure protection from the direct rays of the sun.

Animal means a living vertebrate creature, excepting homo sapiens.

Animal at large means any animal not under the restraint of a person capable of controlling the animal and/or off the premises of the owner. A community cat is not considered an animal at large.

Animal control officer means any person designated by the State of South Carolina or county governing authority of Oconee County as a law enforcement officer pursuant to S.C. Code 1976, § 47-3-30.

¹Cross reference(s)—Environment, ch. 12.

State law reference(s)—Authority to provide for control of dogs and other domestic pets, S.C. Code 1976, § 47-3-10 et seq.; rabies control, S.C. Code 1976, §§ 47-5-10—47-5-210.

Animal rescuer means any recognized group or person who routinely obtains an unwanted dog or cat and who promptly finds an adoptive home for that spayed or neutered dog or cat.

Animal shelter means any premises designated by the county governing body for the purpose of impounding, care, or humane euthanasia of animals held under authority of this chapter and/or state law.

Community cat means any free-roaming cat found outside, which one or more citizens participate in caring for. Citizens that partake in caring for a community cat must ensure that the cat's ears are tipped so that it can be distinguished from owned or stray cats. Community cats must also be spayed or neutered and vaccinated to prevent the spread of disease to owned animals.

Dangerous animal means an animal:

- (1) Which the owner knows or reasonably should know has a propensity, tendency, or disposition to attack unprovoked or cause injury or otherwise endanger the safety of human beings or domestic animals;
- (2) Which makes an unprovoked attack that causes bodily injury to a human being and the attack occurs in a place other than the place where the animal is confined as required by S.C. Code 1976, § 47-3-720;
- (3) Which commits unprovoked acts in a place other than the place where the animal is confined as required by S.C. Code 1976, § 47-3-720, and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to a human being;
- (4) Which is owned or harbored primarily or in part for the purpose of fighting or which is trained for fighting; or
- (5) Which attacks, bites, or injures a human being or domesticated animal without adequate provocation, or which, because of temperament, conditioning or training, has a known propensity to attack, bite, or injure human beings or domesticated animals.

An animal is not a dangerous animal solely by virtue of its breed or species.

Owner means any person, partnership, or corporation owning, keeping, or harboring one or more animals. An animal, excluding a community cat, shall be declared to be harbored if it is fed for three consecutive days or more, unless said person, partnership or corporation has notified animal control to pick up the stray animal.

Pet or companion animal means any animal kept for pleasure rather than utility; an animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter.

Potentially dangerous animal means an animal that, without provocation, chases or approaches any person or domestic animal, anywhere other than on the property of the owner, in a menacing fashion or with an apparent attitude of attack, including, but not limited to, behavior such as growling or snarling.

Public nuisance animal means any animal that unreasonably annoys humans, endangers the life or health of other citizens (other than its owners), or interferes with a citizen's enjoyment of life or property. The term "public nuisance animal" means and includes, but is not limited to, any animal that:

- (1) Is found at large after a written complaint has been filed;
- (2) Damages the property of anyone other than its owner;
- (3) Molests or intimidates pedestrians or passersby;
- (4) Excessively makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored. Refer to chapter 12, article II of the Oconee County Code of Ordinances for additional provisions related to noise disturbance;

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- (5) Causes fouling of the air off the premises of the owner by odor resulting from failure to remove feces every 24 hours or washing of same into an approved underground disposal system every 24 hours, excepting animals lawfully raised for food or food products;
 - (6) Has been found by the animal control officer after notice of its owner to be a public nuisance animal by virtue of being a menace to the public health, welfare, or safety; or
 - (7) A dog or cat that does not have attached a valid current rabies inoculation tag as required by state law.

Under restraint. An animal shall be deemed under restraint if it is on the premises of its owner or custodian or is accompanied by its owner or custodian and under the physical control of such owner or custodian by means of a restraining device. This section does not apply to dogs lawfully engaged in hunting.

(Ord. No. 2005-01, § 2, 2-1-2005; Ord. No. 2022-29, § 1(Exh. B), 1-3-2023)

Sec. 4-3. Authority.

This chapter is adopted pursuant to the provisions of S.C. Code 1976, § 47-3-20 et seq.

(Ord. No. 2005-01, § 3, 2-1-2005)

Sec. 4-4. Restraint.

- (a) All owned animals shall be kept under restraint, which includes confinement to the owner's or custodian's premises. (See section 4-2, definitions, above.)
- (b) No owner shall fail to exercise proper care and control of his animal to prevent it from being a public nuisance.
- (c) Owners shall ensure that if their female dog or cat is in heat, it shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding.
- (d) Every dangerous animal and potentially dangerous animal, as determined under this chapter, shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.
- (e) Owners shall ensure their animals are restrained in a humane manner.
- (f) If a dog must be restrained by means other than a fence or other humane enclosure, a tethering system must be used that meets the following criteria:
 - (1) The tether shall be at least ten feet in length.
 - (2) The tether shall not be a logging chain, tow chain, or other tether that is of a weight that is likely to cause injury to the dog.
 - (3) The tether should have swivels on both ends and allow the dog to have the highest degree of movement practicable without becoming entangled; 360 degrees is ideal. This is best accomplished by using a single stake system with swivel on top to allow the dog free movement. A secondary option is to have the dog tether, with swivels, attached to a trolley system that allows the dog to move freely along a runner line. The trolley systems should be at least three feet above the ground.
 - (4) The tether must allow the dog free access to food, potable water, and adequate shelter (as defined in section 4-2 of this chapter).
 - (5) The tether must be attached to a property fitting collar or harness so that there is no harm to the dog.

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- (6) If more than one dog is tethered in the same area, they must be separated to prevent entanglement.
 - (7) If an underground or wireless fence is used to restrain a dog(s), the fence and appurtenances must be properly maintained so as to keep the dog(s) within the enclosed area and the fence must be capable of restraining the animal confined.

(Ord. No. 2005-01, § 4, 2-1-2005; Ord. No. 2022-29, § 1(Exh. B), 1-3-2023)

Sec. 4-5. Biting or attacking persons.

All animal bites or injuries to a human being shall be reported by medical personnel with knowledge of the bite or injury to the rabies control officer in the department of health and environmental control. Whenever the animal control officer is notified and shown that an animal has bitten or attacked a person, such officer shall promptly notify the county department of health and environmental control of such bite or attack and shall cooperate with the health department in impounding and quarantining such animal.

(Ord. No. 2005-01, § 5, 2-1-2005; Ord. No. 2022-29, § 1(Exh. B), 1-3-2023)

Sec. 4-6. Impoundment and violation notice.

- (a) (1) Unrestrained and nuisance animals, upon receipt of a written complaint signed by the complainant, may be taken by law enforcement officials and/or animal control officers and impounded in the county animal shelter and there be confined in a humane manner.
- (2) In addition to, or in lieu of, impounding an animal at large, the animal control officer or lawful constable or deputy sheriff may issue to the known owner of such animal a notice of ordinance violation. Such notice shall impose upon the owner a warning for a first offense, with subsequent offenses being punishable up to the jurisdictional limits of the magistrate's court.
- (3) In addition, the owner shall be required to pay a fee of \$10.00 per day for each day the animal is boarded by the county, actual cost for inoculation of the animal (if applicable) and a \$10.00 impoundment fee. Further, a \$15.00 fee will be charged for a mandatory microchip implant for animals not previously microchipped.
- (b) Notwithstanding the above, an animal control officer and/or law enforcement officer may without written complaint impound animals not having a valid current rabies inoculation tag and found off the owner's property.
- (c) Impounded dogs and cats shall not be kept for fewer than five calendar days.
- (d) Animal control officers shall not destroy any positively identifiable dog until they have notified the owner at his last known address by registered mail that they have the dog in their possession. The owner must notify the animal control officer within two weeks that he will pick up his dog. If the owner does not pick up his dog within two weeks of notification to the animal control officer, the dog may be destroyed. Reasonable costs associated with the above extended hold period, including cost of mailing the required notice, must be paid before the dog is returned to its owner, or owner's designee, in addition to any other established costs, fines, fees, or other charges.
- (e) Abandoned animals shall be impounded and shall be kept for no fewer than five calendar days.
- (f) Any owner reclaiming an impounded dog or cat shall pay the fee provided for in subsection (a) of this section before the animal can be released.

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- (g) Any owner claiming an impounded dog or cat shall show proof that the animal is currently inoculated against rabies. If such animal is not currently inoculated against rabies the owner shall cause the animal to be inoculated at the owner's expense.
 - (h) Any animal not reclaimed by its owner within five calendar days, or in the case of a positively identifiable animal within ten calendar days, shall become the property of the local government authority and shall be placed for adoption in a suitable home or humanely euthanized, as approved by state law.
 - (i) The animal shelter director shall keep complete and accurate records of the care, veterinary treatment, and disposition of all animals impounded at the shelter.
 - (j) It shall be unlawful for any person to release or take out of impoundment any animal without proper authority.
 - (k) It shall be unlawful to resist or hinder animal control officers or law enforcement officers engaging in the capture and impoundment of an animal.
 - (l) It shall be unlawful to remove the rabies tag from the dog for which the tag was issued.
- (Ord. No. 2005-01, § 6, 2-1-2005; Ord. No. 2022-29, § 1(Exh. B), 1-3-2023)

Sec. 4-7. Dangerous animals.

- (a) If an animal control officer has probable cause to believe that a dangerous animal is being harbored or cared for in violation of S.C. Code § 47-3-720 (unconfined on premises), or § 47-3-740 (owning/harboring for purposes of fighting), or § 47-3-760(E) (registration), the officer may petition the court having jurisdiction to order the seizure and impoundment of the dangerous animal while the trial is pending.
- (b) If an animal control agent has probable cause to believe that a dangerous animal is being harbored or housed in violation of S.C. Code § 47-3-730 (unrestrained off-premises), the agent or officer may seize and impound the dangerous animal while the trial is pending.
- (c) Animals impounded under subsections (a) or (b), above, shall be kept at the county animal shelter or at a veterinarian designated by the owner at the owner's expense for quarantine pending a determination of the animal's status as a dangerous animal. In the event an animal bites a member of the animal owner's family, and the animal owner requests that the animal be impounded by the animal owner, the animal control officer or law enforcement officer may, in his discretion, allow the animal owner to impound said animal on said animal owner's property.
- (d) Upon impounding an animal under this section, a determination hearing should be conducted as soon as reasonably possible, with notice of such hearing being served on the owner by registered mail or personal service at least ten days prior to the hearing. If the owner fails to appear at the hearing, the hearing shall nevertheless proceed and an appropriate order may be issued. The magistrate shall determine whether to declare the animal to be a dangerous animal based upon the evidence and testimony presented at the hearing by the owner, witnesses to any incidents, or any other persons possessing information pertinent to such determination, such as veterinarians or dog obedience trainers. The magistrate shall issue written findings within ten business days after the hearing. The owner of such animal shall have a right to appeal the decision to the court of common pleas of the county within ten days of receiving the decision of the magistrate.
- (e) An animal determined to be dangerous under this section which has attacked or caused injury to a human being or a domestic animal may be ordered destroyed by the magistrate when in the magistrate's judgment the dangerous animal represents a continuing threat of serious harm to human beings or other domestic animals after the quarantine period has expired. Any dangerous animal may also be destroyed if the owner of the dangerous animal relinquishes ownership or control of the animal to the animal shelter or law

enforcement officer. A magistrate may return a dangerous animal to the owner if the magistrate finds that the animal will not pose a threat to human beings and/or domestic animals and that the owner has and will fully comply with subsections (f), (g), and (h) of this section.

- (f) The owner of a dangerous animal shall secure and confine said dangerous animal on the owner's property in an enclosed pen or structure which must be secured by lock and key or combination lock. The pen or structure shall be suitable to prevent the animal from escaping. The pen or structure shall have secure sides and a secure top which protects the animal from the elements. Also, all sides must be embedded into the ground with no less than two feet unless the bottom is secured to the sides. The structure must be kept in a clean and sanitary condition and provide adequate light and ventilation. The enclosure shall not be less than five feet by ten feet and not less than six feet high.
 - (g) No person owning or harboring or having care of a dangerous animal may permit the animal to go beyond the person's premises unless the animal is securely muzzled and restrained with a leash or chain having a minimum tensile strength of 300 pounds and not exceeding three feet in length.
 - (h) In accordance with S.C. Code of Laws § 47-3-760(E), all dangerous animals inside Oconee County must be registered with the Oconee County Animal Control, or its successor "law enforcement authority." If the animal was deemed dangerous by an Oconee County Court, a copy of the court order must be kept on file. If the dangerous animal was transferred into Oconee [County] from another county or state, documentation from that jurisdiction must be provided within 30 days. The director of animal control will be responsible for maintaining records of all dangerous animals inside Oconee County. The registration application must be accompanied by proof of liability insurance or surety bond of at least \$50,000.00 insuring or securing the owner for personal injuries inflicted by the dangerous animal. Oconee County Animal Control, or its successor, shall provide to the owner registering the dangerous animal a metal license tag and a certificate along with a designed dangerous dog collar. Fees for these items must be collected at registration. The metal license tag must be attached to a collar or harness and worn at all times by the dangerous animal for which the certificate and tag have been issued. The pen or structure must be clearly marked on four sides with a sign stating "dangerous animal."
- (1) Registration information required for dangerous animals:
 - a. Species and breed.
 - b. Address of where animal will be located.
 - c. Owner information.
 - d. Proofs of rabies inoculation (must be submitted annually).
 - e. Photo of animal (must be submitted annually).
 - f. Waiver for inspections of confinement site.
 - (2) The owner of a dangerous animal shall notify Oconee County Animal Control if any changes occur with the following:
 - a. Ownership. In the case of a change of ownership, the name, address, and telephone number of the new owner/custodian must, within five days of transfer, be provided to Oconee County Animal Control. Oconee County Animal Control will notify the new owner/custodian of the dangerous animal's status, and also notify the animal control services in the jurisdiction where the animal is housed.
 - b. Address change of the owner/custodian or any change in the location in which the animal is housed.
 - c. Any material change in the health status of the animal.

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- d. Death of the animal.

(Ord. No. 2005-01, § 7, 2-1-2005; Ord. No. 2022-29, § 1(Exh. B), 1-3-2023)

Cross reference(s)—Environment. ch. 12

Sec. 4-8. Potentially dangerous animals.

- (a) The animal control officer or law enforcement officials shall have the power to summarily and immediately impound any animal where there is any evidence that the animal has chased or approached any person or domestic animal, on property other than the property of the owner, in a menacing fashion or with an apparent attitude of attack, including, but not limited to, behavior such as growling or snarling. The animal shall be kept at the county animal shelter or at a veterinarian designated by the owner at the owner's expense for quarantine pending determination of the animal's status as a potentially dangerous animal. The animal control officer or law enforcement officer may, in his discretion, allow the animal owner to impound said animal on said animal owner's property.
- (b) Upon impounding a potentially dangerous animal, a determination hearing should be conducted as soon as reasonably possible, with notice of such hearing being served on the owner by registered mail or personal service at least ten days prior to the hearing. If the owner fails to appear at the hearing, the hearing shall nevertheless proceed and an appropriate order may be issued. The magistrate shall determine whether to declare the animal to be a potentially dangerous animal based upon the evidence and testimony presented at the hearing by the owner, witnesses to any incidents, or any other persons possessing information pertinent to such determination, such as veterinarians or dog obedience trainers. The magistrate shall issue written findings within ten business days after the hearing. The owner of such animal shall have a right to appeal the decision to the court of common pleas of the county within ten days of receiving the decision of the magistrate.
- (c) Upon a finding that an animal is a potentially dangerous animal, the magistrate may order that the animal be forfeited by the owner and placed with an agency willing to accept custody of said animal or may return said animal to the owner if the owner has and will comply with subsections (d) and (e) of this section.
- (d) The owner of a potentially dangerous animal shall secure and confine said potentially dangerous animal on the owner's property in an enclosed and locked (with a key or combination lock) pen or structure, suitable to prevent the animal from escaping said pen or structure. The pen or structure shall have secure sides and a secure top which protects the animal from the elements. Also, all sides must be embedded into the ground with no less than two feet unless the bottom is secured to the sides. The structure must be kept in a clean and sanitary condition and provide adequate light and ventilation. The enclosure shall not be less than five feet by ten feet and not less than six feet high.
- (e) No person owning or harboring or having care of a potentially dangerous animal may permit the animal to go beyond the person's premises unless the animal is securely muzzled and restrained with a leash or chain having a minimum tensile strength of 300 pounds and not exceeding three feet in length.

(Ord. No. 2005-01, § 8, 2-1-2005; Ord. No. 2022-29, § 1(Exh. B), 1-3-2023)

Sec. 4-9. Animal care.

- (a) No owner shall fail to provide his animals with:
 - (1) Necessary substance and adequate shelter, as defined in section 4-2;
 - (2) Veterinary care when needed to prevent suffering; and

(3) Humane care and treatment.

All animals shall be kept in a clean and sanitary condition. The premises upon which the animal is kept shall be kept in a clean and sanitary condition and provide adequate light, shelter and ventilation.

- (b) No owner of an animal shall abandon such animal. A person who returns a community cat to the location from where it was collected shall not be considered to have abandoned that animal.
- (c) Any animal found abandoned and not properly cared for, appearing to be diseased or injured past recovery for any useful purpose, may be humanely euthanized by an agent of the department of health and environmental control, law enforcement officer, or an animal control officer, by a method approved by state law.
 - (1) If the animal is identifiable, attempts to contact the owner shall be made by phone or at the residence in person.
 - (2) If the animal is not identifiable and is in great pain, the cause of which is not reasonably treatable, the animal may be humanely euthanized immediately without attempts to contact the cause.
- (d) Any animal found abandoned, neglected, cruelly treated, or unfit for use may be seized from the owner's property by the animal control officer or law enforcement officer and impounded at the county animal shelter; provided, however, that the officer shall give notice of this seizure by posting a copy of it at the location where the animal was seized or by delivering it to a person residing on the property of the owner within 24 hours of the time the animal was seized.
- (e) The owner of any animal impounded under the provisions of this section shall be responsible for payment of any necessary medical care as determined by a veterinarian in addition to any penalties, impoundment fees, and board fees.

(Ord. No. 2005-01, § 9, 2-1-2005; Ord. No. 2022-29, § 1(Exh. B), 1-3-2023)

Sec. 4-10. Sterilization.

- (a) No unclaimed dog or cat shall be released for adoption without written agreement by means of a spay/neuter contract from the adopter guaranteeing that such animal will be sterilized within 30 days for adults and a specified date in the contract for pups and kittens; provided, however, the county provides a program whereby the spay/neuter is included with the adoption fee.
- (b) No animal shall be released for adoption from the county animal shelter that has not been sterilized; provided however, that the county or its contractor provides a program whereby the spay/neuter is included with the adoption fee.

(Ord. No. 2005-01, § 10, 2-1-2005)

Sec. 4-11. Enforcement.

The civil and criminal provisions of this chapter shall be enforced by those persons or agencies legally authorized by the county for that purpose. It shall be a violation of this chapter to interfere with an animal control officer or law enforcement officer in the performance of his duties. It shall be a violation of this chapter to provide false information to a law enforcement officer or an animal control officer. This includes, but is not limited to, information provided on intake forms, bite reports, owner surrender forms, compliant forms, and reclaim forms. Any person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction may be fined and/or imprisoned consistent with the jurisdictional limits of the magistrate's court. Additionally, the magistrate of the county shall have the authority to issue a bench warrant in the enforcement of this chapter.

(Ord. No. 2005-01, § 11, 2-1-2005; Ord. No. 2022-29, § 1(Exh. B), 1-3-2023)

Sec. 4-12. Penalties for violation of chapter.

Any person found violating any provision of this chapter shall be deemed guilty of a misdemeanor and, for each offense, may be fined and/or imprisoned consistent with the jurisdictional limits of the magistrate's court. In addition, upon conviction of any violation under this chapter, a court may order an animal forfeited by the owner or owners and placed within an agency willing to accept custody of the animal, where the court finds that the animal has been cruelly treated, or the owners have been convicted of allowing the animal to run at large on two or more previous occasions.

(Ord. No. 2005-01, § 12, 2-1-2005; Ord. No. 2022-29, § 1(Exh. B), 1-3-2023)

Sec. 4-13. Applicability of Rabies Control Act.

The provisions of S.C. Code 1976, § 47-5-10 et seq., commonly known as the Rabies Control Act, are hereby adopted in their entirety, as the same may be from time to time amended, as an integral part of this chapter, except insofar as the provisions of such act may conflict with or be less restrictive than the provisions of this chapter.

(Ord. No. 2005-01, § 13, 2-1-2005)

OCONEE COUNTY RESCUE SQUAD ADVISORY COMMISSION

REPORT TO THE LAW ENFORCEMENT PUBLIC SAFETY HEALTH AND WELFARE COMMITTEE

September 2026

Submitted by Brady Land, Chairman

INTRODUCTION

This report summarizes Commission work since May 19, 2026, including the May, June, and July meetings and subsequent updates. Principal developments are approval of the 2026 Rescue Squad Standard Operating Guidelines, joint volunteer recruitment and retention efforts, and continued evaluation of county radio coverage.

2026 RESCUE SQUAD STANDARD OPERATING GUIDELINES

The 2026 Rescue Squad Standard Operating Guidelines (SOGs) have been approved by the Rescue Chiefs, Rescue Squads, RSAC, and Emergency Management Director Smith, and signed by Oconee County Emergency Services Director Caudill. This follows circulation of the draft for review in May, continued committee work in June, and unanimous RSAC approval on July 23. June discussions included a proposed data privacy policy and the need for ongoing revisions. An annual October review was proposed in July to keep the guidelines current.

VOLUNTEER RECRUITMENT AND RETENTION

The Fire Service Advisory Commission, Rescue Squad Advisory Commission, Fire Departments, and Rescue Squads have formed a recruitment and retention group that is hosting events to encourage volunteerism throughout the county. This builds on May and June discussions about recruitment funding, responder recognition, and support for squads with limited membership. Local efforts included recruitment letters, website work, and community outreach. Rescue 22 reported 13 to 15 new recruits in June. Other squads also reported new members, although membership and daytime response coverage remain needs.

RADIO COMMUNICATIONS

Radio testing continues with multiple vendors and demonstration radios to evaluate county coverage. Two separate radio studies are pending at no cost to the county or taxpayers. In May and June, the Radio Committee reported meetings with vendors, discussed repeater reliability and interoperability, Members also reviewed planned dispatch and operations channel changes. These discussions support the continuing evaluation; results from the two pending studies are not yet available.

OPERATIONS AND TRAINING

The Commission reviewed squad response reports and staffing needs throughout May, June, and July. Director Caudill discussed efforts to reduce the call burden on squads in May. By July, EMS Director Mike Carroll reported favorable response results and increasing call volume. Emergency Services is tracking lift assists and related calls to better understand demand and distinguish noninjury assistance from falls involving trauma.

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We appreciate the Committee's continued support of Oconee County's volunteer rescue service and the personnel who give their time to serve our residents and visitors.

Respectfully submitted,

Brady Land
Chairman
Oconee County Rescue Squad Advisory Commission

Protecting Our Animals, Our Community, and Our Taxpayers

- Animal shelters are overwhelmed by **unwanted litters, overcrowding, and limited resources**.
- Thousands of healthy dogs and cats are euthanized each year simply because there are not enough homes.
- A significant contributor is **unplanned breeding, irresponsible breeding, and animals being allowed to roam and reproduce**.
- Roaming animals—especially females in heat—can contribute to:
 - Unwanted breeding
 - Animals running at large
 - Traffic hazards
 - Animal fights
 - Public-safety concerns
- Our community is also seeing an increase in dog bites, from approximately **6.5 to 7.5 per month**. A large percentage of reported bites involve unaltered dogs.

This Is About Accountability—Not Responsible Ownership

The proposed ordinance is **not intended to punish responsible pet owners or ethical breeders**.

It is intended to hold accountable those who:

- Repeatedly allow dogs to roam at large.
- Allow females to breed indiscriminately.
- Repeatedly produce unwanted litters.
- Operate breeding programs outside established laws and standards.
- Fail to provide appropriate housing, sanitation, veterinary care, or basic animal care.
- Create conditions that contribute to shelter overcrowding and unnecessary intake.

A **breeder and/or rescue registry**, along with clear standards and enforceable requirements, could help identify legitimate operations, discourage indiscriminate breeding, and hold repeat offenders accountable.

The Current 4.4 © Ordinance Leaves an Enforcement Gap

- Animal Control has seen firsthand that the current ordinance regarding females in heat is difficult to enforce.
- In one case, **48 puppies were removed from a single address over two years.**
- Despite this volume of breeding, the current ordinance provided limited options to address the repeated breeding itself.
- Common responses include:
 - "We were planning to breed the dog."
 - "We just wanted one puppy."
 - "We wanted one more puppy from our dog."
- Under the current language, repeatedly producing litters may not be enough to establish a violation if the owner claims the puppies were intended to be kept or responsibly placed.

The result: Animal Control may have to wait until there is neglect, poor living conditions, expired vaccinations, or another violation before meaningful enforcement is possible.

A stronger ordinance would establish **clear, objective, enforceable standards** so intervention can occur before the problem becomes a shelter or public-safety emergency.

The Potential Community-Wide Impact

The 48-puppy example shows what can happen from just one address.

If only **25 additional households** had a similar outcome:

- 25 households × 48 puppies = **1,200 puppies**
- That is approximately the equivalent of our **entire annual dog intake.**
- Every additional animal may require:
 - Shelter space
 - Vaccinations
 - Veterinary care
 - Food
 - Housing
 - Staff time
 - Foster or rescue placement

We should not only ask:

"What do we do when these dogs arrive at the shelter?"

We should also ask:

"What can we do to prevent so many of these dogs from entering the shelter in the first place?"

The Financial Cost of Overpopulation

Our approximate basic cost to prepare an animal for adoption is:

- **Cat: \$95**
- **Dog: \$135**
- Additional dog boosters/second deworming: **\$20**
- Daily feeding: approximately **\$1 per cat** and **\$1.29 per dog**

These figures do **not** include staff time, housing, cleaning, utilities, extended stays, emergency veterinary care, medications, transportation, foster care, or other operational costs.

Example: 48 Puppies

- $48 \times \$135 = \textbf{\$6,480}$
- $48 \times \$20 = \textbf{\$960}$
- Basic veterinary/preparation cost = **approximately \$7,440**
- Food and extended shelter stays would add substantially more.

Example: 1,200 Puppies

If 25 households produced 48 puppies each:

- $25 \times 48 = \textbf{1,200 puppies}$
- $1,200 \times \$135 = \textbf{\$162,000}$
- Additional boosters/deworming: $1,200 \times \$20 = \textbf{\$24,000}$
- Combined basic cost = **approximately \$186,000**

And that is **before food, shelter stays, staff time, medical treatment, and other expenses.**

These Costs Are in Addition to Normal Shelter Intake

Our shelter already serves animals that are:

- Stray
- Surrendered by owners
- Abandoned
- Victims of neglect or cruelty
- Sick or injured
- Otherwise in need of intervention

Those animals will continue to require services.

The costs associated with excessive or unwanted breeding are **additional burdens on resources that are already stretched.**

Prevention Is the Key

- We cannot prevent every stray, surrender, or emergency.
- We **can** take steps to prevent unnecessary litters.
- Preventing a litter means:
 - Fewer animals entering the shelter
 - Less veterinary expense
 - Less food and housing expense
 - Less staff workload
 - Less pressure on kennel capacity
 - Fewer animals facing abandonment, prolonged shelter stays, rescue transfers, or euthanasia

The Bottom Line

The most cost-effective animal is the one that never has to enter the shelter.

A reasonable, enforceable breeding ordinance can help us:

- Reduce unwanted litters.
- Reduce animals running at large.
- Reduce shelter intake and overcrowding.
- Improve animal welfare.
- Address public-safety concerns.
- Protect taxpayer resources.
- Create accountability for irresponsible breeding.

This is not about punishing responsible owners or ethical breeders.

It is about **prevention, accountability, and protecting our community's limited resources.**

We are already paying to manage the consequences.

It is time to invest in prevention.

4.4(c)(1)- Owners shall ensure any female dog or cat in heat shall be confined in a building or secure enclosure of appropriate size and height to prevent escape and/or coming in contact with another animal.

4.4(c)(2)- Owners shall ensure that their un-neutered or un-spayed dog or cat shall be restrained to the property in such a manner that the animal cannot breed without a current breeder registration. The first offense will result in a fine of \$257.50. The second offense will result in a fine of \$1,087.50. The third offense is mandatory sterilization. Hunting dogs are exempt if the owner or their designee is acting in accordance with SC Code of Laws 50-11-780.

4.14 Breeder, Rescue, and Hunter Registration

4.14(A): Any person and/or business engaged in breeding and the sale of dogs and/or cats within the unincorporated area of Oconee County must complete an application of registration with Oconee County Animal Control prior to breeding.

4.14(B): In accordance with this ordinance a one-time application fee of \$10.00 is required at time of application with Oconee County Animal Control with no annual or additional fees thereafter. Any person, business, or non-profit acting as an Animal Rescue Organization shall complete a one-time application with Oconee County Animal Control.

4.14(C): In accordance to subsection 4.14 A and 4.14 B, registration must be renewed annually at no cost or additional fees thereafter to remain in compliance. If registration becomes expired for more than two consecutive years, then a new application is required with the application fee of \$10.00 required.

4.14(D): Minimum standard of care must be maintained in accordance with South Carolina Code of Laws Chapter 47 and Oconee County Ordinance 4.9.

*Upon ordinance going into effect, a six month grace period would be mandated in order to educate and inform the public.

*Proposed
Changes*

This chapter is adopted pursuant to the provisions of S.C. Code 1976, § 47-3-20 et seq.

(Ord. No. 2005-01, § 3, 2-1-2005)

Sec. 4-4. - Restraint.

- (a) All owned animals shall be kept under restraint, which includes confinement to the owner's or custodian's premises. (See section 4-2, definitions, above.)
- (b) No owner shall fail to exercise proper care and control of his animal to prevent it from being a public nuisance.
- (c) Owners shall ensure that if their female dog or cat is in heat, it shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding.
- (d) Every dangerous animal and potentially dangerous animal, as determined under this chapter, shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.
- (e) Owners shall ensure their animals are restrained in a humane manner.
- (f) If a dog must be restrained by means other than a fence or other humane enclosure, a tethering system must be used that meets the following criteria:
 - (1) The tether shall be at least ten feet in length.
 - (2) The tether shall not be a logging chain, tow chain, or other tether that is of a weight that is likely to cause injury to the dog.
 - (3) The tether should have swivels on both ends and allow the dog to have the highest degree of movement practicable without becoming entangled; 360 degrees is ideal. This is best accomplished by using a single stake system with swivel on top to allow the dog free movement. A secondary option is to have the dog tether, with swivels, attached to a trolley system that allows the dog to move freely along a runner line. The trolley systems should be at least three feet above the ground.
 - (4) The tether must allow the dog free access to food, potable water, and adequate shelter (as defined in section 4-2 of this chapter).
 - (5) The tether must be attached to a properly fitting collar or harness so that there is no harm to the dog.
 - (6) If more than one dog is tethered in the same area, they must be separated to prevent entanglement.
 - (7)

To: Oconee County Council

From: Sue Christensen, 206 Star View Drive, Seneca, SC 29672
864-710-7244 susanchristensen76@gmail.com

RE: Oconee County Noise Ordinance Review and Update

This is my 3rd time before the council in my efforts to draw attention to the need to update the current noise ordinance. Specifically, to address various noise violations that are not being enforced due to the lack of clarity in the current language, or complete lack of language, which would enable law enforcement to resolve a growing list of noise concerns in our county.

I can only speak to our neighborhood's experience with excessive noises that have disturbed our peace for 5 years now, and expect others to represent their own issues if they seek noise relief in their neighborhoods. I am here, as stated numerous times, representing homeowners in our neighborhood of 12 homes built in 2003.

Our complaints are largely concerned with excessive noise and fire safety.

What we are seeking are the following updates:

FIREWORKS

1. **Reduce the number of days** for fireworks to just July 4th and New Years Eve only and remove Christmas Eve and Christmas Day.
2. **Establish specific exempt hours** for July 4th and New Year's Eve to a set period of time in which people can exercise their right to use legally acquired fireworks. Since you cannot see fireworks until dark this period of time should not include daylight hours.
 - a. Suggested reasonable time periods could be 9:00pm to 11:00pm July 4th, and 9:00pm- to 12:30pm on New Years Eve, providing ample time to celebrate and eliminate currently common issues with holidays going on for 24 hours or more, sometimes days.
3. **Establish criteria** which would identify which types of legally acquired fireworks are excessively loud and which cause extreme stress to a large population of humans and animals, such as mortars or fireworks that are louder than 70 decibels during the set time period, regardless of the location, if near residential neighborhoods without a permit.

4. **Require a permit** for exemption to these days, hours and types of fireworks used near residential neighborhoods for long duration personal displays, which may include continuous explosions for grand finals. Personal events such as these should not allow alcohol to be served and require the presence of professional fire-suppression equipment and personnel, paid for through the permit. Sufficient insurance should be required to cover any property damage from accidental explosions and/or damage to nearby homes from embers or errant explosions as well as accidental bodily injury or death.

CELEBRATORY GUNFIRE

5. **Declare the practice of using ALL types of firearms for celebratory purposes illegal.** ANY and ALL ammunition, including both live and blank rounds. This illegal activity would include celebrating sports events, weddings, large parties, gender reveals, graduation, birthday, anniversary including any and all celebratory use of firearms when in a group or individually. This practice is not only disturbing the peace, but is reckless and has potentially lethal outcomes, both intentional and unintentional.

The amendments suggested are to provide clarity and fairness for ALL residents of Oconee County and be clear enough in language that everyone can understand what is OK and what is not. These suggestions are not intended to be punitive but to establish clear and concise acceptable and unacceptable behavior for everyone living in Oconee County and not just for those who disturb the peace believing 'anything goes'.

Thanks for listening to me again and I will continue to fight for equal rights under the law for not only our neighborhood but for the over 80 surrounding homes.

OCONEE COUNTY RESCUE SQUAD ADVISORY COMMISSION

REPORT TO THE LAW ENFORCEMENT PUBLIC SAFETY HEALTH AND WELFARE COMMITTEE

September 2026

Submitted by Brady Land, Chairman

INTRODUCTION

This report summarizes Commission work since May 19, 2026, including the May, June, and July meetings and subsequent updates. Principal developments are approval of the 2026 Rescue Squad Standard Operating Guidelines, joint volunteer recruitment and retention efforts, and continued evaluation of county radio coverage.

2026 RESCUE SQUAD STANDARD OPERATING GUIDELINES

The 2026 Rescue Squad Standard Operating Guidelines (SOGs) have been approved by the Rescue Chiefs, Rescue Squads, RSAC, and Emergency Management Director Smith, and signed by Oconee County Emergency Services Director Caudill. This follows circulation of the draft for review in May, continued committee work in June, and unanimous RSAC approval on July 23. June discussions included a proposed data privacy policy and the need for ongoing revisions. An annual October review was proposed in July to keep the guidelines current.

VOLUNTEER RECRUITMENT AND RETENTION

The Fire Service Advisory Commission, Rescue Squad Advisory Commission, Fire Departments, and Rescue Squads have formed a recruitment and retention group that is hosting events to encourage volunteerism throughout the county. This builds on May and June discussions about recruitment funding, responder recognition, and support for squads with limited membership. Local efforts included recruitment letters, website work, and community outreach. Rescue 22 reported 13 to 15 new recruits in June. Other squads also reported new members, although membership and daytime response coverage remain needs.

RADIO COMMUNICATIONS

Radio testing continues with multiple vendors and demonstration radios to evaluate county coverage. Two separate radio studies are pending at no cost to the county or taxpayers. In May and June, the Radio Committee reported meetings with vendors, discussed repeater reliability and interoperability, Members also reviewed planned dispatch and operations channel changes. These discussions support the continuing evaluation; results from the two pending studies are not yet available.

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