

DATE 8-19, 09

REVIEWED BY  
PREPARED BY  
CITY ATTORNEYS OFFICE

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ATTACH-  
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AN ORDINANCE AMENDING CHAPTER 6, ANIMALS,  
OF THE CODE OF THE CITY OF ROCK HILL CONCERNING ANIMAL CONTROL

BE IT ORDAINED by the Governing Body of the City of Rock Hill  
in Council assembled:

SECTION 1. That this ordinance is being adopted in order to effect  
proper compliance with the provisions of the Home Rule Act of 1975,  
now South Carolina Code of Laws for 1976, Section 5-7-30 and  
Section 5-7-260 and Section 2-48 and Section 2-96 of the Code of  
the City of Rock Hill.

SECTION 2. That this Ordinance was adopted by the Rock Hill City  
Council by a majority vote and applicable public hearing  
requirements.

SECTION 3. That the Proposed Amendment to **Chapter 6, ANIMALS,**  
**Article II, Pets, Sections 6-31 through 6-90,** be and the same is  
hereby amended by deleting the current language and inserting in  
lieu thereof the following:

See Exhibit "A" attached hereto.

SECTION 4. That the Proposed Amendment to **Chapter 6, ANIMALS,**  
**Article IV. Rabies Control,** be and the same is hereby amended by  
deleting Article IV in its entirety.

SECTION 5. That all ordinances or parts of ordinances inconsistent  
with this Ordinance are hereby repealed to the extent of such  
inconsistency.

SECTION 6. That this Ordinance shall be and become finally binding after receiving first and second readings given in the manner required by law.

DONE AND RATIFIED in Council assembled on this the \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
A. Douglas Echols, Jr., Mayor

\_\_\_\_\_  
Kevin H. Sutton, Mayor Pro Tempore

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Kathy S. Pender, Councilmember

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James C. Reno, Jr., Councilmember

\_\_\_\_\_  
Osbey Roddey, Councilmember

\_\_\_\_\_  
Susie B. Hinton, Councilmember

\_\_\_\_\_  
John P. Gettys, Jr., Councilmember

ATTEST:

\_\_\_\_\_  
David B. Vahaun  
Municipal Clerk

## Exhibit A

### ARTICLE II. Pets.

#### Sec. 6-31. Definitions.

For the purposes of this chapter, the following words, phrases and terms shall have the meanings and definitions ascribed to them in this chapter and such definitions shall apply unless the context clearly indicates or requires a different meaning:

*Abandonment* means a situation in which an owner or keeper does not transfer ownership, deserts, forsakes, and intends to give up absolutely an animal without securing another owner or without providing for adequate food, water, shelter, care, or humane disposal of a dog or cat.

*Adequate shelter* means an enclosed, weatherproof dwelling accessible to an animal that is of sufficient size and nature so as to provide that animal with sufficient protection from the extremes of weather (sun, heat, cold, rain, etc.) and allow it to remain comfortable in outside conditions.

*Animal* means a dog or a cat. The term animal may be used interchangeably with both except as noted in Sec. 6-36(A)6 and Sec. 6-41(D) which shall also apply to horses.

*Animal control officer* means a person employed by the county as an enforcement officer for the provisions of this chapter; provided, however that no animal control officer shall have the power or authority to issue an ordinance summons unless commissioned as a code enforcement officer as provided in S. C. Code Ann. Section 4-9-145, as amended.

*Animal rescue group* means an unincorporated or non-profit organization existing for the purpose of prevention of cruelty to animals and whose purpose is to rescue and rehome dogs and cats that cannot be adopted by the animal shelter due to medical, behavioral, holding time limits or other reasons as determined by animal shelter personnel as provided in S. C. Code 47-3-60.

*Animal shelter* means any premises so designated by York county council for the purpose of impounding or harboring, caring for, adoption or euthanasia of seized, stray, homeless, abandoned or unwanted dogs and cats.

*At large* means any dog is deemed to be running "at large" when it is off the property of its owner and not under physical restraint

or control of the owner or keeper by means of a leash, cage or other effective device which restrains and controls the animal.

*Cat* means a domestic feline of either sex.

*Dangerous animal* means any dog or cat which the owner or keeper knows or reasonably should know has a propensity, tendency, or disposition to attack unprovoked, cause injury, or other wise endanger the safety of human beings or domestic animals; or 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 Ann. Section 47-3-720, as amended; or which commits unprovoked acts in a place other than the place where the animal is confined as required by S. C. Code Ann. 47-3-720, as amended and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to a human being or other domestic animal.

*Dog* means a domestic canine of either sex.

*Exposure to rabies* means the circumstance in which any person or animal has been bitten by or exposed to any animal known or suspected to have been infected with rabies. This determination shall be made by the health department, animal control officer or a licensed veterinarian.

*Feral cat* means the wild offspring of a domestic cat.

*Keeper* means any person feeding, harboring, sheltering, having charge of or taking care of any animal for such a period of time as to constitute responsibility for that animal unless that animal is being boarded for a fee.

*Owner* means a person 18 years or older who:

- (1) Has a property interest in an animal;
- (2) Keeps or harbors an animal or who has an animal in the person's care or acts as its custodian;
- (3) Permits an animal to remain on or about any premises occupied by the person; or,
- (4) Provides care, shelter, or nutrition to an animal or group of animals, excepting such care, shelter, or nutrition provided on a temporary basis until such time as an animal control officer or rescue group representative can retrieve the animal/group of animals.

*Public nuisance* means any dog or cat making loud or objectionable sounds, chasing vehicles or pedestrians, damaging property other than that of the owner or behaving in a manner which disturbs the rights of, threatens the safety of or injures a member of the general public, carries a communicable disease dangerous to other animals or humans; or has a known history of biting or attacking people or other animals or any person maintaining property that is offensive, annoying or dangerous to the public health, safety or welfare of the community because of the number, type, variety, density or location of the animals on the property.

*Restrain* means that act of keeping a dog which is under the immediate physical control of a person capable of restraining the animal, by means of a collar and leash, or by passive means of control, such as by a fence, kennel, or other confinement device.

*Secure enclosure* means any fenced or otherwise enclosed area suitable for properly restraining a dog or cat and for prohibiting that dog or cat from coming into contact with people and/or other animals.

*Spayed female* means any female dog or cat which has been operated on to prevent conception.

#### **Sec. 6-32. Enforcement.**

(a) The City of Rock Hill hereby specifically grants full power and authority to York County animal control officers to enforce within the city, any and all provisions of this chapter in like manner and to like extent as in the case of enforcement by a city officer.

(b) No person shall interfere with, hinder or molest any animal control officer in the execution of that officer's duties or release or take out of impoundment any animal from an animal control vehicle, animal trap, cage or the animal shelter.

(c) Any duly appointed official empowered to enforce this chapter shall have the authority to destroy any pet which appears to be vicious and may endanger their safety or the safety of other persons, animals or livestock.

#### **Sec. 6-33. Public Nuisance Animals.**

It shall be unlawful for any person to keep any animal that is a public nuisance as defined in this chapter upon their premises or on the premises of another.

#### **Sec. 6-34. Rabies Control.**

As provided in S. C. Code Ann. Sections 47-5-10 through 47-5-210, as amended, the following rules and regulations concerning rabies control shall apply to the areas of the City of Rock Hill that have been placed under the jurisdiction of this chapter.

(a) Whenever a dog or cat is affected by rabies or suspected of being affected by rabies or has been bitten by an animal known or suspected to be infected with rabies, the owner or keeper of the dog or cat of any person having knowledge thereof shall forthwith notify the animal control officer of the health department stating precisely where the animal may be found;

(b) The animal control officer shall immediately inform the health department upon receipt of any information concerning an animal bite or a possible animal bite;

(c) The animal control officer, in conjunction with the health department, shall arrange for the supervised confinement of any dog or cat which has bitten a person. The confinement may be on the premises of the owner if the owner will sign a DHEC agreement assuming total responsibility for the safe confinement of the pet or other animal or the confinement may be at the county animal shelter with the current impoundment and boarding fees charged, or the dog or cat may be confined at a private animal shelter or a veterinary hospital at the owner's expense;

(d) Any dog or cat which has bitten a person must be confined for a period of at least ten days. The health department or the animal control officer shall be permitted by the owner or keeper of the dog or cat to examine the same at anytime and daily if desired within the ten-day period of confinement to determine whether the animal shows symptoms of rabies. No person shall obstruct or interfere with the animal control officer or the health department in making the examination;

(e) In the case of an animal other than a dog or cat which has scratched or bitten a person, the health department shall serve notice upon the owner of that animal that the owner shall have the animal euthanized immediately and have the brain submitted for rabies examination;

(f) The health department shall serve notice in writing upon the owner of a dog, cat or other animal known to have been bitten by an animal known or suspected of being affected by rabies requiring the owner to confine the animal for a period of not less than six months except that animals properly treated with anti-rabies vaccine shall be confined for a period of not less than three months;

(g) No person shall kill, or cause to be killed any dog, cat or other animal, that is suspected of having been exposed to rabies or which has bitten a person, nor remove the animal from the jurisdiction of the City of Rock Hill without written permission of the health department. An exception to the preceding requirement is in any circumstance in which there exists the possibility of the animal escaping or being involved in an additional biting incident in which case the animal is to be killed and the health department notified immediately.

**Sec. 6-35. Display of Rabies Inoculation Tag.**

As is provided in S. C. Code Ann., Sections 47-5-10 through 47-5-210, as amended, the following rules and regulations governing the inoculation of dogs and cats shall be applicable:

(a) Every owner of a dog or cat shall have the animal inoculated against rabies and require the animal to wear a rabies vaccination tag on a collar or harness.

(b) A State Board of Health certificate of animal rabies vaccination will be issued by a licensed veterinarian for each animal stating the name and address of owner, the name, breed, color and markings, age and sex of the animal and the veterinary or pharmaceutical control number of the vaccination. One copy of the certificate shall be given to the owner, and one copy shall be retained by the person administering the vaccine;

(c) With the issuance of the certificate, the veterinarian shall also furnish the owner with a serially numbered metal rabies vaccination tag bearing the same number and year as the certificate. The metal rabies vaccination tag shall bear the name of the veterinarian who administered the vaccination.

(d) the rabies vaccination tag issued by the veterinarian shall at all times be attached to a collar or harness worn by the animal for which it was issued and any animal not having a proper rabies inoculation license tag attached may be subject to impoundment.

(e) The owner shall have a valid certificate of rabies immunization readily available for inspection by competent authority.

(f) In the event that rabies vaccination tag is lost, the owner will obtain a duplicate tag without delay;

(g) A certificate of rabies immunization issued by a licensed veterinarian from another state will be accepted as valid evidence of inoculation provided it is less than one year old.

**Sec. 6-36. Restraint Requirements.**

(a) The owner or keeper of every dog shall keep the animal under restraint at all times. If a responsible adult is physically outdoors with their dog on the land where the owner of the animal resides and the dog is under the owner's direct control and is obedient to the owner's commands, this section shall not apply during the duration of the time that the dog is in the company and under the control of that person.

1. Any dog that is chained or tethered shall be provided a chain or tether that is at least ten feet in length and have swivels on both ends. The chain or tether shall allow the animal free access to food, water and shelter.

2. Any chain or tether must be attached to a properly fitting collar or harness worn by the dog and shall weigh no more than ten percent (10%) of the dog's estimated body weight.

3. All collars used for the purpose of chaining or tethering an animal must be made of nylon, leather, or other durable and non-metallic material and must be fitted so as to not cause injury to the animal or embed itself in the animals's neck.

4. Use of a chain, choke, or pinch collar as a primary collar is prohibited.

5. Any dog that is chained or tethered to a stationary object must be a sufficient distance from any other objects or debris so as to prohibit any tangling of the tether or from extending over an object or an edge that could result in injury or strangulation of the animal and be of sufficient distance from any fence so as to prohibit the animal access to the fence.

6. No horse shall be restrained to a stationary object by means of a rope, chain or other tethering device unless under the direct physical supervision of the animal owner or keeper.

(b) No animal shall be permitted to be on school grounds, shopping areas, public parks, roads or streets unless on a leash and subject to control by its owner or other person at all times.

(c) No animal shall be permitted to be on private property unless it is with the express permission of the property owner.

(d) Every female dog or cat in heat shall be kept confined in a building or secure enclosure or in a veterinary hospital or

boarding kennel or shall be treated in a manner so as not to create a nuisance by attracting other dogs or cats.

(e) Any person walking or owning an animal is required to clean up any waste deposited by the animal on public property or the private property of anyone other than the property of the animal's owner.

**Sec. 6-37. Restrain and confinement of dangerous animals.**

The owner shall confine, within a building or secure enclosure, any dangerous animal and shall not take the animal out of the building or enclosure unless the animal is securely muzzled and under restraint, or under the physical control of its owner.

**Sec. 6-38. Impoundment of animals running at large.**

(a) Any dog found to be running at large may be captured, confined and/or impounded by an animal control officer and held in an animal shelter for a minimum period of five days. If the animal is not reclaimed by the owner as provided in this chapter, the animal may be humanely euthanized or adopted to a new owner.

(b) Any dog observed by an animal control officer to be running at large in violation of the leash law and subsequently returning to its owner's property when the owner is absent or away from the property may be removed from the owner's property and impounded if the animal control officer has reasonable cause to believe that the animal is running at large in violation of the provisions of this chapter and the animal will present a danger to itself, persons or other animals or be prejudicial to the safety of the public if the dog is left unrestrained.

(c) In the case of an impoundment of a dog under the provisions of Sec. 6-38(B), the animal control office shall provide posted written notice upon the property in issue setting forth the date and time of impoundment and the procedures to follow in order to retrieve the owner's dog.

(d) Pursuant to the provision of S. C. Code Ann., Chapter 3, Section 47-3-540, an animal control officer is authorized to hold identifiable animals and dispose of them if the owner fails to claim them. Animal control officers must not euthanize any positively identifiable animal until they have notified the owner at his last known address by registered mail that officers have the animal in their possession. The owner must notify the animal shelter within two weeks after receipt of the registered letter that the owner will reclaim the animal. If the owner does not reclaim the animal within two weeks of notification, it may be

euthanized. Reasonable costs associated with the above extended holding period, including cost of mailing the required notice, must be paid before the animal is returned to its owner, or the owner's designee, in addition to any other established costs, fines, fees, or other charges.

**Sec. 6-39. Hunting dog exception.**

The provisions of Sec. 6-36(A) of this chapter shall not apply to hunting dogs while actually engaged in hunting or training exercises while on the property of the owner or property of a consenting landowner. The hunting dogs are permitted to be under voice control or electronic tracking control rather than under the restraint required in Sec. 6-36 of this chapter. If any dog strays on public property or private property without permission of the landowner, the exception contained in this section shall not apply, and the owner of the dog shall be in violation of the provisions of this chapter.

**Sec. 6-40. Keeping or harboring stray animals.**

(a) No person, without the actual consent of the owner, shall harbor, feed, keep in possession by confinement or otherwise have any animal which does not belong to such person, unless he has, within 24 hours of the time the animal came into his possession, notified the animal shelter. Upon receiving such notice, the animal shelter may choose to impound the animal.

(b) No person shall refuse to surrender a stray animal to an employee of the animal shelter upon demand.

**Sec. 6-41. Abandonment and maltreatment.**

(a) It shall be unlawful for the owner or keeper of any animal to abandon it.

(b) If an animal is found to be obviously abandoned by its owner or keeper, an animal control officer may impound that animal.

(c) It shall be unlawful for any owner or keeper of an animal to deny it adequate food, water, shelter or medical care for sickness or injury or in any way treat any animal in a cruel or inhumane manner as defined in S. C. Code Ann. Section 47-1-40, as amended.

(d) It shall be unlawful for any animal owner or keeper to fail to provide any animal in their care, including horses, with a clean and sanitary living environment.

(e) It shall be unlawful for any animal owner or keeper to fail to provide sufficient shade to animals that are housed outside to protect them from extreme summer temperatures.

(f) If a person has delivered an animal to a veterinarian, a dog kennel, an animal hospital, or another animal care facility, or if a person who boards domestic animals on his or her premises for a fee and the owner of the animal does not retrieve it at the agreed time in the case of boarding, or when the owner has been informed that the animal has completed its treatment in the case of hospitalization, the animal may be transferred to the county animal shelter ten days after the day the owner failed to pick up the animal, as agreed pursuant to a written contract or agreement. Neither the City of Rock Hill nor the county will be liable for any fees resulting from the animal's care. The animal may be transferred to the county animal shelter only if the written contract or agreement provided for the transfer and if the facility has attempted to notify the owner by regular mail at his or her last known address on the date the owner failed to pick up the animal as agreed. A person who boards the animals of others, as described in this section, shall post written notice of the provisions of this section at his or her place of business.

(g) It shall be a violation of this ordinance for any animal owner or keeper to endanger the health or well-being of such animal due to heat, cold, lack of water or other such circumstances as may reasonably be expected to cause suffering, disability, or death.

(h) No person shall cause, instigate, attend or permit any dog fight, cockfight, or other combat between animals or between animals and humans.

**Sec. 6-42. Injured, diseased and dead animals.**

(a) It shall be unlawful for any person to intentionally strike an animal with an automobile or other vehicle.

(b) Any person injuring a dog or cat by striking it with an automobile or other vehicle shall notify the owner of the animal, if identification is possible, or shall notify the animal control department if the animal cannot be identified.

(c) Any animal received by a veterinarian in critical condition from wounds, injuries or disease, may be destroyed if the owner cannot be contacted and the pet is suffering great pain.

(d) If an injured animal has been released to the shelter and is determined to be unadoptable to the public, the animal may be

eligible for rescue by any approved animal rescue group after an evaluation by the shelter veterinarian. Upon rescue, the animal will become the property of the rescue organization. Injured or distressed animals that have been released to the shelter will not be held an unreasonable length of time awaiting pick up by a rescue organization.

**Sec. 6-43. Disposition of unclaimed animals.**

Any animal that has been impounded for five days and unclaimed by its owner will become the property of York County and may be disposed of as follows:

(1) An animal may be placed for adoption to a person 18 years or older upon compliance with the provisions and payment of the fees required by this chapter.

(2) An animal may be released to an approved animal rescue group as defined in this chapter if it has been determined that the animal is not suitable for adoption to the public or space at the animal shelter is not available to house that animal.

(3) An animal may be humanely euthanized if deemed unadoptable due to medical, behavioral or spatial issues.

**Sec. 6-44. Profiting from animals.**

(a) No person shall sell, trade, barter, auction, lease, rent, give away, or display for commercial purposes, any live pet, on any roadside, public right-of-way, public property, commercial parking lot or sidewalk, or at any flea market, fair, or carnival.

(b) No person shall give away any live animal, fish, reptile or bird as a prize for or as an inducement to enter any contest, game, or other competition or as an inducement to enter a place of amusement or as an incentive to enter into any business agreement whereby the offer was for a purpose of attracting trade.

(c) The provisions of this section shall not apply to animal shelters, county or city recognized animal rescue groups or other county or city recognized non-profit agencies that are sponsoring or attending events for the purpose of providing adoptable animals to the public or providing education or instruction to the public, or providing inoculations to animals in conjunction with the express exceptions set forth herein.

**Sec. 6-45. Records.**

(a) Accurate records shall be kept by the animal shelter on all animals impounded as to whether they are redeemed, adopted or euthanized.

(b) Records shall also be kept on all cases involving animal bites.

**Sec. 6-46. Reclamation of impounded animals.**

(a) To obtain the release of an animal after impoundment, an owner must be at least 18 years old and also provide documentation that the animal is currently inoculated against rabies and also must pay the impoundment fee set and collected by the county as specified in Sec. 6-20 of this chapter.

(b) If an animal is not reclaimed by its owner within 24 hours of the impoundment of that animal, a boarding fee will be charged at the current established boarding rate for each day after the first day of impoundment.

(c) Pursuant to the provisions of S. C. Code Ann., Section 47-3-55, subsections C and E, all dogs and cats that are reclaimed from the animal shelter will have a microchip implanted with the associated cost of the microchip added to any impoundment and boarding fees set by the City.

(d) An increasing impoundment fee will be charged to an animal owner according to the schedule established and collected by the county each time an animal belonging to the same owner is impounded up to three consecutive times. Any subsequent impoundments charged to the owner after three times will be charged at a rate equal to the third impoundment fee and for each time thereafter.

1. In calculating the fees required under this section, no animal impoundments charged to the animal owner occurring more than three years before the current impoundment shall be considered.

2. The animal control supervisor may, at his or her discretion, waive all fees for the first impoundment if, in the judgment of the animal control supervisor, a violation of this code is inadvertent and there are extenuating circumstances which would warrant the waiver of fees for a first impoundment.

(e) The animal control supervisor may prohibit an owner of any animal to reclaim the animal, which, by virtue of its temperament, size, behavior, history or any combination thereof, may present a danger to the safety of the public. Under this provision, the animal may be held at the animal shelter pending a hearing before a magistrate to determine if additional confinement measures are

necessary. In the case of such a detention of an animal, boarding fees shall accrue pursuant to the schedule of fees set forth herein, but, may be waived by the magistrate upon a finding that additional confinement of the animal in issue is not necessary.

(f) All requests for information on circumstances and reasons why an animal was impounded must be requested through the Freedom of Information Act. A written request must be submitted stating what information is requested, and it must include the contact information for the person making the request.

**Sec. 6-47. Spay/neuter option for reclaimed animals.**

Any animal owner may elect to have their animal spayed or neutered at the time it is reclaimed and in any such case, all boarding fees will be waived and the animal owner will pay one-half the cost of the impoundment fee in addition to the cost of the rabies vaccination and the microchip. The animal will remain at the shelter until the next available surgery day.

**Sec. 6-48. Adoption of animals.**

(a) Any animal impounded under the provisions of this chapter may, at the end of the legal detention period be evaluated by the shelter staff and be eligible for adoption by a person 18 years or older who will agree to comply with the provisions of this chapter.

(b) A person may be refused adoption of an animal by the animal control supervisor if it is determined that the person wishing to adopt an animal has a history of (as evidenced by county records) or past conviction of abandonment, maltreatment, or any other violation of this chapter.

(c) If a licensed veterinarian certifies within three days of the adoption of an animal that the adopted animal is ill, sick or injured, the person to which the animal was adopted may request a refund or exchange the animal for another animal.

**Sec. 6-49. Contract of spay/neuter services.**

The City of Rock Hill hereby authorizes the county public works director to issue through the county purchasing department a request for contract services to spay or neuter animals with veterinary clinics in the City of Rock Hill which agree to discount usual and customary fees for the services whenever the shelter veterinarian is unable to complete the surgery. The contract fees for service will be reviewed on a yearly basis.

**Sec. 6-50. Fees.**

The county shall be responsible for charging all adoption fees, impoundment fees, boarding fees, microchip fees, rabies vaccination fees and any other applicable fees as set forth in the county ordinances.

**Sec. 6-51. Rules of construction; remedies not exclusive.**

(a) Nothing in this chapter may be construed to limit the power of the county, by and through the powers granted by the City of Rock Hill to the county herein, to prohibit animals from running at large, whether or not they have been inoculated as provided in this chapter; and nothing in this chapter may be construed to limit the power of the county, by and through the powers granted by the City of Rock Hill to the county herein, to regulate and control animals in the City of Rock Hill or to enforce other and additional measures for the restriction and control of rabies.

(b) The penalties imposed in this chapter are non-exclusive. In the event of any violation or proposed violation of this chapter, the county manager, city manager, the director of public works, or the animal shelter supervisor, or any adjacent or neighboring property owner who would be damaged by the violation may, in addition to other remedies, apply to a court of competent jurisdiction for injunctive relief, mandamus, a restraining order, or other appropriate relief in a civil proceeding to prevent, correct or abate the violation or threatened violation of this chapter, and all such additional remedies shall be cumulative to the penalties provided herein.

**Sec. 6-52. Conflicting provisions.**

In the event of a conflict between the provisions of this Article and the provisions of any other Article in this Chapter, the provisions of this Article shall control.

**Secs. 6-53 thru 6-90. Reserved.**