

Code of Ordinances

Supplement 60

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CODE OF ORDINANCES City of NORTH CHARLESTON, SOUTH CAROLINA Codified through Ordinance No. 2018-002, enacted January 11, 2018. (Supp. No. 60)

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Chapter 4 - ANIMALS AND FOWL^[1]

Footnotes:

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Cross reference— Health and sanitation, Ch. 9; leaving animals and animal-drawn vehicles unattended upon streets prohibited, § 11-24; noise of animals and birds restricted, § 13-137.

ARTICLE I. - ANIMAL CONTROL^[2]

Footnotes:

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Editor's note— Ord. No. 2006-69, adopted Oct. 12, 2006, amended art. I in its entirety to read as herein set out. Formerly, said article pertained to similar subject matter. See the Code Comparative Table for a detailed analysis of amendment.

Sec. 4-1. - Purpose and intent.

The purposes of this article are to promote the public health, safety, and general welfare of the citizens of the City of North Charleston and to ensure the humane treatment of animals by regulating the care and control of animals within the city.

(Ord. No. 2006-69, 10-12-06)

Sec. 4-2. - Definitions.

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

Animal means any live creature, both domestic and wild, except humans. "Animal" includes mammals, fowl, fish and reptiles.

Animal control officer means an employee or agent of the city, designated by the mayor or chief of police to administer and enforce the requirements contained within this article.

Animal hospital means any establishment maintained and operated a licensed veterinarian for surgery, diagnosis, and treatment of animal diseases and injuries.

Animal nuisance means any nuisance arising out of the keeping, maintaining or owning of, or failure to exercise sufficient control of, an animal.

Animal shelter means any facility operated by the city or humane society for the temporary care, confinement and detention of animals and for the euthanasia and other disposition of animals. The term shall also include any private facility authorized by the mayor or his designee to impound, confine, detain, care for or destroy any animal.

At heel means a dog is directly behind or next to a person and obedient to that person's command.

At large means that an animal is off the premises of the owner, and not on a leash or otherwise under the immediate control of a person physically capable of restraining the animal.

Cruelty means any act of omission whereby unjustifiable physical pain, suffering or death of an animal is caused or permitted, including failure to provide proper drink, air, space, shelter or protection from the elements, a sanitary and safe living environment, veterinary care or nutritious food in siphoned quantity. In the case of activities where physical pain is necessarily caused, such as medical and scientific research, food processing, customary and normal veterinary and agricultural husbandry practices, pest elimination, and animal training and hunting, "cruelty" shall mean a failure to employ the most humane method reasonably available.

Disposition means adoption, quarantine, voluntary or involuntary custodianship or placement, or euthanasia humanely administered to an animal. "Disposition" includes placement or sale of an animal to the general public, or removal of an animal from any pet shop to any other location.

Domestic animal includes dogs, cats, domesticated sheep, horses, cattle, goats, swine, fowl, ducks, geese, turkeys, confined domestic hares and rabbits, pheasants, and other birds and animals raised and/or maintained in confinement.

Exotic animal means any live monkey, alligator, crocodile, cayman, raccoon, skunk, fox, bear, sea mammal, poisonous snake, member of the feline species other than domestic cat (*felis domesticus*), member of the canine species other than domestic dog (*canis familiaris*) or any other animal that would (*canis familiaris*) or any other animal that would require a standard of care and control greater than that required for customary household pets sold by commercial pet shops of domestic farm animals.

Impoundment means the taking into custody of an animal by any police officer, animal control officer, or any authorized representative thereof.

Kennel means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats.

Muzzle means a device constructed of strong, soft material or of metal, designed to fasten over the mouth of an animal to prevent the animal from biting any person or other animal.

Owner means any person having temporary or permanent custody sheltering or having charge of, harboring, exercising control over, or having property rights to, any animal covered by this article. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) or more consecutive days.

Public nuisance animal means any animal that unreasonably annoys humans, endangers the life or health of persons or other animals, or substantially interferes with the rights of citizens, other than their owners, to enjoyment of life or property. The term "public nuisance animal" shall include, but not be limited to:

- (1) Any animal that is repeatedly found running at large;
- (2) Any dog or cat in any section of a park or public recreation area unless the dog or cat is controlled by a leash or similar physical restraint;
- (3) Any animal that damages, soils, defiles or defecates on any property other than that of its owner;

- (4) Any animal that 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;
- (5) Any animal that causes fouling of the air by noxious or offensive odors and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
- (6) Any animal in heat that is not confined so as to prevent attraction or contact with other animals;
- (7) Any animal, whether or not on the property of its owner, that without provocation, molests, attacks, or otherwise interferes with the freedom of movement of persons in a public right-of-way;
- (8) Any animal that chases motor vehicles in a public right-of-way;
- (9) Any animal that attacks domestic animals;
- (10) Any animal that causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;
- (11) Any animal that is offensive or dangerous to the public health, safety or welfare by virtue of the number of animals maintained at a single residence or the inadequacy of the facilities.

Under restraint means that an animal is secured by a leash, lead under the control of a person physically capable of restraining the animal and obedient to that person's commands, or securely enclosed within the real property limits of the owner's premises.

(Ord. No. 2006-69, 10-12-06)

Sec. 4-3. - Caring for animals.

- (a) It shall be unlawful for the owner or custodian of any animal to refuse or fail to provide such animal with sufficient wholesome and nutritious food, potable water, veterinary care and treatment, or to unnecessarily expose any such animal in hot, stormy, cold or inclement weather.
- (b) No owner or custodian of any animal shall willfully abandon such animal on any street, road, highway or public place, or on private property when not in the care of another person.

(Ord. No. 2006-69, 10-12-06)

Sec. 4-4. - Cruelty to animals.

- (a) It shall be unlawful for any person to willfully or maliciously strike, beat, abuse, or intentionally run down with a vehicle any animal, or otherwise engage in any act to cause or inflict unnecessary pain, injury, suffering or death to such animal; except that reasonable force may be used to drive away vicious or trespassing animals.
- (b) No person, except a licensed veterinarian for humanitarian purposes, shall administer poison to any animal, or knowingly leave any poisonous substance of any kind or ground glass in any place with the intent to injure any animal. The provisions of this section are not applicable to licensed exterminators using poisons as part of a pest control program or the use of commercial insecticides and rodent baits used to control insects and wild rodents.

(Ord. No. 2006-69, 10-12-06)

Sec. 4-5. - Restraint, confinement and running at large—Generally.

- (a) It shall be unlawful for the owner of any animal to fail to keep such animal under restraint or to permit such animal to run at large upon the streets and public ways of the city.
- (b) Any dog, while on a street, sidewalk, public way or in any park, public square, or other public space, or upon any private property without the consent of the owner, shall be secured by a leash or chain of sufficient tensile strength to restrain the particular dog, or shall be at heel and securely muzzled.
- (c) No owner or custodian of any animal shall fail to exercise proper care and control of such animal to prevent the same from becoming a public nuisance.
- (d) Every female dog or cat in heat shall be confined in a building or other enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding.

(Ord. No. 2006-69, 10-12-06)

Sec. 4-6. - Confinement of animals in motor vehicles.

- (a) No person may cause or allow an animal to be placed or confined in a motor vehicle without adequate ventilation when the atmospheric temperature, humidity and sun rays can be reasonably expected to cause suffering, disability or death. Evidence that the animal is suffering from heat stress is prima facie evidence of the violation of this section.
- (b) This section does not prohibit the transportation of horses, cattle, sheep, poultry or other agricultural livestock in trailers or other vehicles designed and constructed for that purpose.
- (c) Authorized city personnel who find any animal in a motor vehicle in violation of this section may break and enter into the vehicle, if necessary, to remove the animal. Neither the personnel nor the city will be liable for any vehicle damage that results. An animal removed must be immediately taken to the animal impounding facility to be evaluated by a licensed veterinarian. The personnel must leave within the vehicle a written notice giving their name and position and the address where the animal may be redeemed. The owner of the animal is responsible for all medical and housing expenses incurred.
- (d) Any Animal that is being transported in the bed of a pick-up truck shall either be tethered or leashed in such a way that it can not be ejected or jump out of the vehicle or shall be placed in a kennel-type box which shall be secured to the bed of the vehicle.

(Ord. No. 2006-69, 10-12-06)

Sec. 4-7. - Nuisances.

It shall be unlawful for any person to keep any animal on any property located within the corporate limits of the city when the keeping of such animal constitutes a public nuisance or menace to public health or safety.

(Ord. No. 2006-69, 10-12-06)

Sec. 4-8. - Keeping hogs and swine prohibited.

It shall be unlawful and shall be deemed a public nuisance for any person to keep any live hog or swine within the city.

(Ord. No. 2006-69, 10-12-06)

Sec. 4-9. - Slaughterhouses and slaughtering prohibited.

No person shall establish, erect, keep or use in any manner or form any butcher pen or slaughterhouse, or butcher or slaughter animals within the city.

(Ord. No. 2006-69, 10-12-06)

Sec. 4-10. - Annual anti-rabies inoculation of dogs required.

It shall be unlawful for any person within the city to keep or harbor or to have in his care or custody, any dog or cat, unless such dog or cat is annually inoculated against rabies as required by state law.

(Ord. No. 2006-69, 10-12-06)

Sec. 4-11. - Sanitation.

- (a) No owner or custodian of any animal shall cause or allow such animal to soil defile or defecate on any public property or upon any street, public way, play area or common ground owned jointly by the members of a homeowners or condominium association, or upon private property other than that of the owner, unless such owner or custodian immediately removes and disposes of all feces deposited by such animals by the following methods:
 - (1) Collection of the feces by appropriate implement and placement in a paper bag or plastic bag or other container; and
 - (2) Removal of such bag or container to the property of the animal owner or custodian and disposition thereafter in a manner as otherwise may be permitted by law.
- (b) No person owning, harboring or keeping an animal within the city shall permit any waste matter from the animal to collect and remain on the property of the owner or custodian or on the property of others so as to cause or create an unhealthy, unsanitary, dangerous or offensive living condition on the owner's or custodian's property, or to abutting property of others.
- (c) No person owning, harboring, keeping or in charge of any other animal shall cause unsanitary, dangerous or offensive conditions by virtue of the size or number of animals maintained at a single location or due the inadequacy of the facility.
- (d) Stables, coops, warrens, pens and other enclosures in places where any animal or fowl is kept shall at all times be maintained by the keeper of such animal or fowl in a clean and sanitary condition and in such condition that it does not give offense to other persons in the vicinity thereof or constitute a public nuisance or a menace to the public health.

(Ord. No. 2006-69, 10-12-06)

Sec. 4-12. - Disposition of carcasses.

- (a) Every person having possession, custody or control of any animal or fowl shall, upon becoming aware of the death of such animal or fowl, immediately dispose of the carcass thereof in a lawful and sanitary manner.
- (b) Carcasses of animals and fowl found upon public streets and in public places, and upon vacant lots, within the city, shall be taken up promptly and disposed of by the city in a lawful and sanitary manner; and if the identity of the person having had possession, custody, or control of such deceased animal or fowl at the time of its death can be ascertained, the city shall charge to him the costs incurred by the disposal of such carcass.

(Ord. No. 2006-69, 10-12-06)

Sec. 4-13. - Squirrels protected.

It shall be unlawful to kill, maim or injure any squirrel or to destroy, rob or molest the breeding place of any squirrels on public property. Squirrels may be controlled on private property by the owner of the property or his or her designee so long as the method does not violate other city ordinances, state or federal law.

(Ord. No. 2006-69, 10-12-06)

Sec. 4-14. - Impoundment.

In addition to any other remedies provided in this article, an animal control officer or a police officer may seize, impound and humanely confine to an animal shelter or animal hospital any of the following animals:

- (1) Any animal at large;
- (2) Any animal constituting a public nuisance or considered a danger to the public;
- (3) Any animal that is in violation of any quarantine or confinement order;
- (4) Any unattended animal that is ill, injured or otherwise in need of care;
- (5) Any animal that is reasonably believed to have been abused or neglected;
- (6) Any animal that is reasonably suspected of having rabies;
- (7) Any animal that is potentially dangerous where an animal control officer or police officer determines that there is a threat to public health and safety.
- (8) Any animal that a court of competent jurisdiction has ordered impounded or destroyed;
- (9) Any animal that is considered unattended or abandoned, as in situations where the owner is deceased, has been arrested or evicted from his regular place of residence.

(Ord. No. 2006-69, 10-12-06)

Sec. 4-15. - Notice to owner and redemption.

- (a) Upon impoundment of an animal, the department of animal control shall immediately attempt to notify the owner, if known, by telephone or mail. The owner shall also be advised that the failure to claim the animal within a specified period of time may result in the disposition of the animal.
- (b) The owner shall be entitled to resume possession of a pet impounded under section 4-5 or subsection 4-14(1) upon compliance with the redemption procedures and fees set forth by the animal shelter in possession of the animal.
- (c) Notwithstanding subsection (b), an officer who impounds an animal for any reason set forth in this article and reasonably believes that the owner is not able to adequately provide for the animal or is not a fit person to own the animal may require the animal to remain impounded and petition the municipal court for a hearing. The hearing shall be set not more than ten (10) days from the date of the seizure of the animal to determine whether the owner, if known, is able to adequately provide for the animal and is a fit person to own the animal. The officer shall cause to be served upon the owner or mailed by certified mail (return receipt requested, restricted delivery) written notice at least five (5) days prior to the hearing of the date, time and place of the hearing. If the owner is adjudged by the court able to adequately provide for such animal and a fit person to own the animal, then the animal shall be returned to the owner. If the owner is adjudged by the court unable to adequately provide for

the animal or not a fit person to own the animal, then the court shall order that the animal be placed for adoption in a suitable home, or humanely destroyed. The court, in determining whether the owner is able to adequately provide for the animal or is a fit person to own the animal, may take into consideration, among other things, the owner's past record of convictions under this chapter, or one similar thereto, and the owner's mental and physical condition.

- (d) Nothing in this section shall be construed to prohibit the destruction of a critically injured or ill animal or an animal identified as carrying or having an infectious or contagious condition or disease or any unidentified animal deemed to represent a physical danger to the public, animal control, shelter staff, or other impounded animals may be humanely euthanized upon agreement by animal control and shelter staff.

(Ord. No. 2006-69, 10-12-06)

Secs. 4-16—4-20. - Reserved.

ARTICLE II. - BIRD SANCTUARY⁽³⁾

Footnotes:

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State Law reference— Similar provisions, game sanctuaries, S.C. Code 1976, § 50-11-2610 et seq.

Sec. 4-21. - Established; area.

The entire area embraced within the corporate limits of the city is hereby designated as a bird sanctuary.

Sec. 4-22. - Protection of birds.

It shall be unlawful to trap, hunt, shoot or attempt to shoot or molest in any manner any bird or wild fowl, or to rob the nests of any such birds or wild fowl, within the city; provided that, if destructive birds, as defined in South Carolina Code 1976, section 50-1-30(2), congregate in large numbers in any particular locality to such an extent that, in the opinion of the health authorities, they constitute a nuisance or menace to health, then the health officer may authorize the chief of police to abate such nuisance in such manner as he deems best.