

CHARLESTON COUNTY LAWS & ORDINANCES REGARDING PETS

Sec. 3-1. Definitions.

As used in this chapter, the following terms mean:

Abandonment means a situation in which an owner of an animal or pet does not provide for humane disposal of the animal or pet, or does not transfer ownership to a responsible person, or who does not provide or arrange for adequate food, water, shelter and care.

Animal control officers means the persons designated by the county sheriff's office as the enforcement officers of the provisions of this chapter.

Animals means any live, vertebrate creature, domestic or wild, which shall include all brute creatures that are owned by persons or kept as pets.

Animal shelter means any premises designated by the county's governing body for the purpose of impoundment, care or destruction of animals or pets found in violation of this chapter.

Animal shelter operation means any organization charged with the operation of an animal shelter (i.e., Charleston Animal Society) under an agreement with the county government.

At large means an animal which is off the property and/or premises of the owner or keeper and not under physical control by owner or keeper by means of a leash or restraint.

County means the unincorporated portions of Charleston County.

Dangerous animal means an animal which:

- (1) The owner knows, or reasonably should know, has a propensity, tendency, or disposition to attack unprovoked, cause injury, or otherwise endanger the safety of human beings or domestic animals;
- (2) 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; or
- (3) Commits unprovoked acts in a place other than the place where the animal is confined and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to a human being;
- (4) Is owned or harbored primarily, or in part, for the purpose of fighting or which is trained for fighting.

"Dangerous animal" does not include an animal used exclusively for agricultural purposes or an animal which attacks a person who is trespassing or who appears to be trespassing. A trespasser is a person who is not lawfully upon the property of another.

Injury or bodily injury means broken bones, lacerations, punctures of the skin, or any physical injury resulting in death.

Livestock means horses, bovine, sheep, goats, and swine.

Owner means a person who owns or has custody or control of the animal.

Pet means any animal which may legally be held as a pet by private citizens without special permit or permission required; i.e., dogs (*Canis familiaris*), cats (*Felis catus*). With the exception of dogs and cats, items (1) through (6) below are "exotic" pets or wildlife which require special permits.

- (1) Family Canidae: Coyote, wolves, foxes, dogs.
- (2) Family Ursidae: Bears.
- (3) Family Procyonidae: Raccoons and allies.
- (4) Family Mustelidae: Marten, fisher, weasel, ferret, mink, ermine, tayra, grison, wolverine, badger, skunk, otter.
- (5) Family Vevirridae: Mongoose.
- (6) Family Felidae: Cats and allies.

Restraint means when a pet or animal is confined to the premises of its owner or keeper by fence, chain, or other appropriate measure, on the premises of its owner or keeper, or when a pet is accompanied by owner or keeper and is physically controlled by a leash or similar physical device.

Stray means any animal running at large without identification.

Vaccination against rabies means the injection, subcutaneously, intramuscularly or otherwise, of antirabies vaccine as approved by the department of agriculture/veterinary biologics division, administered by a licensed veterinarian.

Sec. 3-2. Seizure and right of entry to protect abandoned, neglected or cruelly treated animals.

(a) Any animal control officer may lawfully take charge of any animal found abandoned, neglected, or cruelly treated or unfit for use, and shall petition any magistrate's court in the jury area wherein the animal is found, for a hearing which shall be a civil proceeding. The hearing shall be set not more than ten 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 animal control officer shall cause to be served upon the owner, if known and residing within the jurisdiction wherein the animal is found, written notice at least five days prior to the hearing of the time and place of the hearing. If the owner is known but residing out of the jurisdiction where such animal is found, written notice by any method or service of process as is provided by South Carolina Code of Civil Procedure shall be given. If the owner is unknown at the time of seizure, it shall be considered a stray. The animal control officer may provide for such animal until the owner is adjudged by the court able to adequately provide for such animal and a fit person to own the animal, in which case 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.

(b) If the magistrate's court determines that the owner is unable to care for any animal or is not a fit person to own such animal, the owner may appeal that decision to the court of common pleas (nonjury) of the county by serving a copy of his notice of appeal on the magistrate within 30 days following the decision together with an appeal bond in an amount equal to the contractual daily rate charged to the county by the Charleston Animal Society, or other designated animal shelter(s), which rate shall be established by adoption in the county budget ordinance effective July 1 each year, multiplied by 90 days, which is the typical time within which an appeal is heard. Should the hearing on appeal be delayed beyond 90 days, the circuit judge, in his discretion, may impose an additional bond amount on the owner. Should the appeal result in a reversal of the magistrate's decision or a remand of the matter for a new hearing, the bond will be returned to the owner. However, if the magistrate's decision is affirmed, the bond shall be forfeited to the county sheriff's office for its use in reimbursing the animal shelter for its costs of care for the animal. Should the owner appeal from the circuit court's decision, additional bonds shall be assessed in an amount to be determined by the appellate court.

(c) Nothing in the 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.

Sec. 3-3. Vaccination against rabies.

No person shall own, keep, or harbor any dog or cat within the county unless such pet has been vaccinated against rabies as provided herein. The provisions of this section shall only apply to dogs or cats over three months old.

(1) All rabies vaccinations (as evidenced by certificate) shall be from a licensed graduate veterinarian using a vaccine which is good for a period longer than one year; provided such vaccine has been approved with the longer period of time specified by the South Carolina Department of Health and Environmental Control after consultation with the executive committee of the South Carolina Association of Veterinarians.

(2) A South Carolina Department of Health and Environmental Control Certificate of Pet Rabies Vaccination will be issued by a licensed graduate veterinarian for each dog or cat, stating the name and address of owner, the name, breed, color and markings, age, sex of animal, and the veterinary or pharmaceutical control number of the vaccination.

(3) Coincident with the issuance of the certificate, the licensed graduate veterinarian shall also furnish a serially numbered metal tag bearing the same number and year as is on the certificate. The metal license tag shall bear the name of the veterinarian and shall at all times be attached to a collar or harness worn by the dog or cat for which the certificate and tag have been issued. Note: These tags shall be issued in accordance with the recommendation of the National Association of Public Health Veterinarians as to tag, shape and color.

(4) The owner shall have a valid certificate of rabies vaccination readily available at all times for inspection by an animal control officer or health official.

(5) In the event that a rabies tag is lost, the owner shall obtain a duplicate tag within seven working days.

(6) A certificate of rabies vaccination issued by a licensed veterinarian from another state will be accepted as valid evidence of vaccination, provided it is less than a year from date of issue.

Sec. 3-4. Enforcement of rabies control provisions.

The provisions of this section relating to control of rabies and the provisions of section 47-5-10 et seq., Code of Laws of South Carolina, 1976, (Rabies Control Act) shall be enforced by animal control officers and state health department rabies control officers.

(1) Animals found running at large or having no valid rabies inoculation tags shall be impounded by the animal control officer, and disposed of after remaining unclaimed for five days.

(2) Animals impounded under the provisions of South Carolina Code Section 47-5-130 (Rabies Control Act) may only be redeemed after showing proof of current rabies inoculation, or payment for rabies inoculation, and payment for daily boarding cost assessed by animal control.

Sec. 3-5. Impoundment of pets running at large; disposition.

(a) Any pet or dangerous pet running at large may be impounded by the animal control officer or any of the persons empowered to enforce this chapter and transported to the county animal shelter, or to any other nonprofit animal shelter designated by county council, and there impounded and confined until redeemed or disposed of as hereinafter provided. If an animal is transported to an animal shelter other than the Charleston Animal Society, the redemption fee cited in section 3-6 below shall not be collected.

(b) Immediately after impounding any properly tagged pet, the animal control officer and/or animal shelter operator shall make a reasonable effort to notify the owner in writing or by telephone of its impoundment and to inform the owner of the conditions whereby he can regain custody of the pet.

(c) At-large animals and pets shall be either euthanized after five working days, or placed for adoption at the discretion of the animal shelter operator (Charleston Animal Society).

(d) It shall be the duty of the animal shelter operator to keep accurate and detailed records of seizures and dispositions of all animals coming into their custody. Such records must be kept a minimum of two years.

(e) Any animal determined by the animal control officer to be abandoned shall be impounded by the animal control officer.

(f) Exempt dogs. No hunting dog is required to be constrained by a leash while it is actually engaged in hunting game and under supervision. As used in this section, "supervision" means that the owner of the hunting dog or his designee is either in the vicinity of the hunting dog or in the process of trying to retrieve the hunting dog.

State law reference— *Hunting, S.C. Code § 50-11-150.*

Sec. 3-6. Redemption.

(a) *[Requirements.]* The owner shall be entitled to resume possession of a pet impounded under [section 3-5](#) upon compliance with the rabies vaccination requirement, proper identification, and the payment of redemption fees herein set forth.

(b) *[Application.]* The owner of an impounded pet must apply for the redemption of this pet. The pet may not be released unless authorized by the animal control officer or animal shelter operator with assurance from the owner that proper care and custody will be maintained.

(c) *Redemption fees.* The fees set forth herein shall be collected from the owner by the animal control officer or animal shelter operator and turned over to the county treasurer, who shall make monthly accounting of such funds. Such fees shall go toward defraying the expense of operating the animal shelter. A redemption fee will be charged for impoundment and payment for daily boarding costs for animals, excluding livestock, as assessed by the county.

(d) *[Impoundment of livestock.]* The impoundment fee for livestock will be \$50.00, plus daily boarding costs as assessed by the county.

(e) *[Prohibitions.]* It shall be unlawful for any person to release from impoundment without proper authority any pet, or to resist an animal control officer engaged in the impoundment of any pet.

(f) *Sterilization; intact redemption fee.* No impounded pet may be redeemed without a) first having been surgically sterilized and a fee paid therefor, which fee shall not exceed the fee charged by the shelter for the sterilization of animals prior to adoption, or b) paying a redemption fee of \$200.00 to redeem the pet intact. If an intact pet comes to be impounded for a second or subsequent time in a calendar year, the intact redemption fee shall be \$1,000.00. These provisions shall only apply to pets whose owners' residence is within the unincorporated area of Charleston County.

Sterilization under this section may not take place sooner than after the fifth working day following the pet's placement in the custody of the shelter, or when the owner appears at the shelter to reclaim the animal, whichever is sooner.

If the owner declines to pay the intact redemption fee, such owner may arrange for the pet to be sterilized by a veterinarian of the owner's choosing, and the owner must pay all costs of such sterilization. If an owner chooses this method, the shelter shall transport the animal to the veterinarian for sterilization, unless the veterinarian or his/her designee transports the pet to the veterinary facility. The owner may retrieve the pet from the veterinarian's office following sterilization. The owner must provide proof of sterilization to the shelter.

The shelter must give written notice of the policies and options regarding redemption and sterilization set forth herein to owners seeking to redeem their pets.

Sec. 3-7. Animal care.

(a) No person or those owning, or having possession, charge, custody, or control of any animal, shall cause or fail to provide said animal with sufficient good and wholesome food, clean water, proper shelter, care and veterinary treatment when needed.

(b) An animal control officer shall issue a summons if there is probable cause to believe that a violation of any provision of this chapter has been violated, including the following violations:

(1) Abandon an animal, or cause to be abandoned;

(2) Expose any known poisonous substance, whether mixed with food or not, so that the same shall reasonably be expected to be eaten by any animal, fish, bird, fowl, or reptile; provided that it shall not be unlawful for a person to expose on his own property common rat poison mixed only with vegetable substances;

(3) Cruelly beat, ill-treat, torment, torture, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit, any fight, or other combat between animals, or animal and human;

(4) No person, except a licensed veterinarian, shall perform an operation to crop, notch, or split an animal's ear or tail;

(5) Failure to provide treatment or denial of treatment for any diseased, sick or injured animal;

(6) Failure or denial of necessary sustenance, such as food in an inadequate amount to sustain flesh or permit normal growth, an inadequate amount of clean water, or water that is sour, filthy, or spoiled;

(7) Failure or denial of proper confinement, to remove excrement and keep shelter or confinement area clean, odor free, and free of ticks, fleas, flies, or mosquitoes;

(8) Tease, bait, or in any way molest any animal not belonging to him or legally under his control;

(9) Failure or denial to provide shelter for any animal, fish, bird, fowl, or reptile of any kind in any manner without shading same from the sun, any direct light, heat or cold and providing adequate ventilation for their use;

(10) Sell, offer for sale, barter, or give away, any animal, fowl, or reptile which cannot care for itself, which is unweaned;

(11) Allowing animals to run free, break loose, or escape in any manner;

(12) Give away any live animal, fish, bird, fowl, or reptile, 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 offer such species as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.

(13) 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 or institution parking lot, sidewalk, or at any flea market, fair, or carnival.

(c) Any person, as the operator of a vehicle, who strikes a dog or cat, should, if reasonably possible, report the accident to the owner, the animal control division, or the police [sheriff's] department.

Sec. 3-8. Impoundment without proper care due to incapacity or involuntary absence of owner.

Whenever the animal control officer finds that any animal is or will be without proper care because of injury, illness, incarceration or other involuntary absence of the person responsible for the care of such animal, the animal control officer may impound such animal until reclaimed by its owner, or transport the animal to a county council-designated nonprofit animal shelter. The owner must pay the applicable fees in the same manner as any other owner would redeem an impounded animal prior to the release of such animal by the division. In no event shall the animal control officer be required to board an animal for more than 14 days, or any longer than 48 hours after the condition which caused the impoundment ceases to exist.

Sec. 3-9. Designation of animal shelter, disposal of impounded animals.

(a) It shall be the duty of the animal control officer or his authorized representative under the auspices of a veterinarian to order the humane destruction, by any animal control officer or authorized representative, of any animal lawfully taken into the custody of the animal control officer which is affected with any dangerous or communicable disease, or which is facing death due to injury.

(b) The county hereby designates the Charleston Animal Society at 2455 Remount Road, North Charleston, as the approved animal shelter for Charleston County, pursuant to S.C. Code 1976, § 47-3-30.

Sec. 3-10. Adoption.

(a) At the end of the detention periods set forth in subsections 3-4(1) or 3-5(c) above, the ownership of (or title to) a pet impounded under the provisions of this chapter shall be transferred to the animal shelter operation Charleston Animal Society, which may attempt to adopt out the pet to a responsible new owner. All required fees must be paid at the time of adoption.

(b) No animal over three months of age shall be released or adopted until prepayment is made for vaccination against rabies.

(c) All animals adopted by the shelter operator shall be surgically sterilized or have provisions made for the animal's surgical sterilization prior to release for adoption.

Sec. 3-11. Restraint.

(a) It shall be unlawful for any owner or custodian of any animal to permit same to run at large at any time upon streets or highways or properties other than his own property within the county. Such owner or custodian shall comply with the definition of "restraint" in section 3-1

(b) It shall be unlawful to keep a dangerous dog in any manner not allowed under section 47-3-610, et seq., Code of Laws of South Carolina, 1976.

(c) Every female dog in heat and every female cat in heat shall be confined in a building or secure enclosure so that the female dog cannot come into contact with a male dog, nor the female cat come into contact with a male cat.

Sec. 3-12. Duties.

(a) The division of animal control shall be charged with the responsibility of:

(1) Cooperating with the health officers of the various state governmental units and assisting in the enforcement of the laws of the state with regard to the control of animals, and especially with regard to the vaccination of dogs and cats against rabies;

(2) Investigating all complaints with regard to animals covered by this chapter;

(3) Enforcing within the unincorporated area of the county all of the state laws, ordinances enacted by the county, and contracts entered into the county for the care, control and custody of animals covered by this chapter;

(4) Supervising and being in charge of animals impounded in the shelter, until such time as ownership of such animals is given to Charleston Animal Society, the county's animal shelter.

(5) Enforcing provisions of state law regarding dangerous animals, South Carolina Code Section 47-3-710, et seq.

(b) The rabies control officer and his staff, as employees of the Division of Rabies Control of South Carolina Department of Health and Environmental Control (DHEC) are empowered to enforce the provisions of this chapter relating to rabies control. The provisions which they may enforce are specifically [section 3-3](#) and [section 3-3](#) only. The rabies control officer and his staff shall:

(1) Provide separate summons numbered forms clearly indicating that they are not officers of county animal control.

(2) Coordinate all issuance of summons with magistrates in order to ensure proper scheduling of cases.

(3) Account for all summons issued in the same procedure required of county animal control officers.

Sec. 3-13. Uniform, badges required.

Each person while performing his respective duties shall wear a uniform and a badge of a size and design to be determined by the sheriff.

Sec. 3-16. Free-roaming cat program.

(1) Free-roaming cats shall be allowed in Charleston County as long as all of the following requirements are met:

(a) Cat must be spayed or neutered.

(b) Cat must be microchipped.

(c) Cat must be vaccinated for rabies, feline viral rhinotracheitis, calicivirus, and panleukopenia.

(d) Cat must be ear tipped.

(2) The Charleston Animal Society ("CAS") shall be the designated shelter and will work with the Humane Net Collaboration to develop rules and regulations for the program. CAS shall create and develop rules and regulations for the program. These rules and regulations shall be reviewed by county council and, if approved, adopted by resolution of county council prior to implementation of the program.

(3) The county may review the program two years after its inception to assess its functionality and success.

Sec. 3-17. Identification of dogs and cats.

(a) Any person who owns or keeps a dog or cat three months of age or older shall affix and maintain a durable metal or plastic identification tag on the collar of the animal which has permanently stamped or printed thereon the owner's address and phone number(s). The tag shall be maintained in such a condition as to make the stamped or printed information clearly legible. Microchip technology or tattooing as otherwise provided by law may be used in lieu of a collar tag, provided that owner identification and contact information remains current.

(b) The provisions of subsection (a) are not applicable when:

(1) The animal is participating in any organized exhibition, field trial, competition or is in training for these events, or is undergoing grooming;

(2) The dog or cat is confined in a boarding kennel, grooming facility or veterinary hospital, in which case the identification tag information shall be recorded and readily available; or

(3) When a licensed veterinarian orders in writing that the identification tag and/or collar be removed for reasons of the animal's health, in which case the animal shall be confined within an enclosed building, fenced area or kennel at all times until the veterinarian permits the collar and tag again to be placed on the animal.

(Ord. No. 1702, § IV, 10-25-11)

Sec. 3-18. Nuisances.

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

(b)

(1) Having an animal that disturbs the rights of, threatens the safety of, or damages a member of the general public, or interferes with the ordinary use and enjoyment of their property, or public property; or

(2) Allowing or permitting an animal to damage the property of anyone other than its owner, including, but not limited to, turning over garbage containers or damaging gardens, flowers or vegetables, or repeatedly defecating upon the property of another; or

(3) Maintaining animals in an environment of unsanitary conditions or lack of cleanliness which results in offensive odor or is dangerous to the public health, welfare or safety, or a failure to maintain a condition of good order and cleanliness which reduces the probability of transmission of disease; or

(4) 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; or

(5) Allowing or permitting an animal to bark, whine or howl in an excessive, continuous or untimely fashion so as to interfere with the reasonable use and enjoyment of neighboring premises; or

(6) Maintaining an animal that is diseased and dangerous to the public health; or

(7) Maintaining an animal that habitually or repeatedly chases, snaps at, threatens, attacks or barks at pedestrians, joggers, dogs walked on a leash by owners, bicycles, or vehicles; or

(8) Failing to confine a female dog or cat, while in season, in a building or secure enclosure in such a manner that she cannot come into contact with another dog or cat or creates a nuisance by attracting other animals; provided this section shall not be construed to prohibit the intentional breeding of animals within an enclosed, concealed area on the premises of the owner of an animal which is being bred.

(c) In addition to the right of the county to bring an enforcement action for violations of this section, any individual who is specifically damaged by any violation may, in addition to other remedies, institute an appropriate civil action or other proceeding in the magistrate court or circuit court to abate or prevent the nuisance.

(Ord. No. 1702, 10-25-11)