

TOWN OF MOUNT PLEASANT LAWS & ORDINANCES REGARDING PETS

CHAPTER 90: ANIMALS

GENERAL PROVISIONS

§ 90.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANIMAL. Any nonhuman living creature whether wild or domesticated.

ANIMAL CONTROL OFFICER. A person or persons appointed by the Chief of Police who shall have such powers and duties as are hereinafter set forth in this chapter.

ANIMAL NUISANCE. The actions of an animal constitute a nuisance when an animal 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 his or her property. Specifically, an animal nuisance is created when an animal:

- (1) Runs uncontrolled;
- (2) Damages property other than that of the owner or harborer;
- (3) Molests or disturbs persons or vehicles or other animals by chasing, barking, or biting;
- (4) Barks, whines, howls, honks, brays, cries, or makes other noises excessively;
- (5) Creates noxious or offensive odors;
- (6) Defecates upon any public place or upon premises not owned or controlled by the owner or harborer unless promptly removed (two minutes) by the animal owner or harborer;
- (7) Creates an insect breeding and/or attraction site due to an accumulation of excretion; or
- (8) Is maintained in an environment or unsanitary conditions.

ANIMAL SHELTER. Any premises designated by the Chief of Police for the purpose of impounding, caring for, or the destruction of animals held pursuant to this chapter.

BITE. To be seized with the teeth or jaws so that a person or animal has been nipped, gripped, wounded, or pierced and saliva of the biting animal has contacted the resulting break or abrasion of the skin.

CAT. Any member of the feline family, six months or more in age.

CONTROL or UNDER RESTRAINT. An animal shall be deemed under control or 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 a leash not more than eight feet in length or other similar restraining device, or under the active control of the owner or trainer while hunting or being trained while on property of the owner or another's property with the property owner's permission.

DOG. Any member of the canine family, six months or more in age.

FREE ROAMING CAT PROGRAM. A program established and run by Humane Net, of which the Charleston Animal Society is a member, for the purpose of reducing free-roaming cat populations in a humane manner. Specifically, the intent of this program is to return free-roaming cats to the area where taken in, if possible, after being carefully evaluated by a veterinarian, vaccinated, micro-chipped and spayed and/or neutered, pursuant to certain guidelines.

HUMANE SOCIETY. State Society for the Prevention of Cruelty to Animals.

IMPOUND. To confine in a humane manner, including, but not limited to, providing sufficient and nourishing food, warm and well-ventilated shelter, and medical attention.

OWNER or KEEPER. Any person who has a right of property in an animal; who keeps or harbors an animal; who has an animal in his or her care or custody; or who permits an animal to remain on or about any premises occupied by him or her.

RUNNING AT LARGE. Being off the premises of the owner or keeper and not under the physical control of the owner or keeper by means of a leash or other similar restraining device.

STRAY ANIMAL. An animal running at large which has no identifiable owner.

VACCINATION. The administration of antirabic vaccine by a licensed veterinarian at such intervals as required by state law.

VICIOUS ANIMAL. As follows.

- (1) An animal:
 - (a) With a known propensity, tendency, or disposition to attack unprovoked, to cause injury to, or to otherwise endanger the safety of humans or domestic pets; or

- (b) Which attacks, bites or otherwise injures a human being or other domestic animal without provocation; or
 - (c) Which is trained or used to fight or to attack humans.
- (2) This definition shall not apply to a dog owned or used by a governmental entity.

WILD ANIMAL.

(1) Any poisonous reptile or any other dangerous or carnivorous wild animal or reptile, any vicious or dangerous domesticated animal or any other animal or reptile of wild, vicious, or dangerous propensities.

(2) The definition of a **WILD ANIMAL** shall not be construed to apply to "exotic" birds or animals which are not dangerous to humans and which may lawfully be purchased at pet stores or commercial locations except for those animals specifically mentioned in this chapter.

('81 Code, § 90.01) (Ord. 93050, passed 10-12-93; Am. Ord. 08070, passed 12-9-08; Am. Ord. 10004, passed 3-10-10)

§ 90.02 PURPOSE AND SCOPE.

(A) *Purpose.* The purpose of this chapter is to regulate the care and control of animals in the town. The citizens of the town recognize as necessary to require proper care and restraint of all animals in addition to proper control of all animals, especially dogs and cats. The stated is imperative to ensure that good order and harmony prevails in the community, and further that, the safety, health, and general welfare of all is provided for and protected.

(B) *Scope.* This chapter shall apply to all persons, property, and animals in the town as regulated herein.

('81 Code, § 90.02) (Ord. 93050, passed 10-12-93)

CARE AND TREATMENT OF ANIMALS

§ 90.20 ANIMAL CARE AND MISTREATMENT.

(A) No person shall mistreat an animal in any way. It is unlawful for any person to inflict unnecessary or needless cruelty, torture, abuse or cruelly beat, strike or abuse any animal, or by an act or omission or neglect cause or inflict any unnecessary or unjustifiable pain, suffering, injury, or death to any animal whether such animal belongs to such person or to another, except that reasonable force may be employed to drive away vicious or trespassing animals. Keeping an animal in an unhealthy environment or under unhealthy conditions as deemed such by the Animal Control Officer shall constitute mistreatment and unlawful hereunder. Any unwanted animals should be delivered to the humane society for proper disposal.

(B) It shall also be unlawful for any person in charge of any animal to fail, refuse or neglect to provide such animal with sufficient food, potable water, shade or proper and healthy shelter and protection, veterinary care, or to cruelly or unnecessarily expose any such animal in hot, stormy, cold, or inclement weather, or to carry any such animal in or upon any vehicle in a cruel or inhumane manner.

('81 Code, § 90.06) (Ord. 93050, passed 10-12-93) Penalty, see § 10.99

§ 90.21 ABANDONING ANIMALS AND KEEPING ANIMALS.

(A) No owner or individual in custody of an animal shall abandon such animal.

(B) All pens, yards, runs, or other structures wherein any animal is kept shall be of such construction so as to be easily cleaned and kept in good repair. Fences which are intended as enclosures for any animal shall be securely constructed, shall be adequate for the purpose, kept in good repair, and shall not be allowed to become unsightly.

('81 Code, § 90.07) (Ord. 93050, passed 10-12-93) Penalty, see § 10.99

§ 90.22 GIVING AWAY ANIMALS FOR COMMERCIAL PURPOSES PROHIBITED.

No person shall give away any live animal 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.

('81 Code, § 90.08) (Ord. 93050, passed 10-12-93) Penalty, see § 10.99

§ 90.23 STRIKING ANIMALS WITH MOTOR VEHICLE.

Any person operating a motor vehicle, who strikes a domesticated animal shall report such injury or death to the Town Police. However, due to the possibility of injury from aiding injured animals, this provision shall in no way be construed to require or encourage the physical touching of an injured animal by a unqualified person who strikes a domesticated animal.

('81 Code, § 90.09) (Ord. 93050, passed 10-12-93) Penalty, see § 10.99

§ 90.24 POISONING ANIMALS.

No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any animal, provided that it shall not be unlawful for a person to expose on his or her own property common rat or vermin poison for the express purpose of rat or vermin control.

('81 Code, § 90.10) (Ord. 93050, passed 10-12-93) Penalty, see § 10.99

§ 90.25 HANDLING POISONOUS REPTILES PROHIBITED.

It shall be unlawful for any person to knowingly or intentionally handle any reptile of a poisonous species or variety, whose venom has not been completely removed by picking up or holding such reptile in his/her bare hands, or by placing or holding such reptile against the exposed part of his/her, or another's body, head, or any other exposed part of the human anatomy, or by placing his/her own, or another's hand or any other part of the human anatomy in any cage, box, or other device or container wherein such reptile is known or suspected to be; and it shall likewise be unlawful for any owner, lessee, bailor, bailee, possessor, trainer or keeper of any such poisonous reptile to knowingly permit, allow, suggest, entice, invite, challenge, person to pick up or handle any such poisonous reptile in any manner or way described and defined hereinabove.

('81 Code, § 90.11) (Ord. 93050, passed 10-12-93) Penalty, see § 10.99

§ 90.26 WILD ANIMALS.

(A) *Prohibition.* It shall be unlawful for any person to keep, maintain, or have in his or her possession or control within the town any poisonous reptile or any other dangerous or carnivorous wild animal or reptile, any vicious or dangerous domesticated animal or any other animal or reptile of wild, vicious, or dangerous propensities.

(B) *Classification.* It shall be unlawful for any person to keep, maintain, or have in his or her possession or control within the town any of the following animals:

- (1) All poisonous animals including rear- fang snakes.
- (2) Apes. Chimpanzees; gibbons; gorillas; orangutans; and siamangs.
- (3) Baboons.
- (4) Bears.
- (5) Bison.
- (6) Cheetahs.
- (7) Constrictor snakes, six feet in length or more.
- (8) Coyotes.
- (9) Crocodilians, 30 inches in length or more.
- (10) Deer (includes all, for example, white- tailed deer, elk, antelope and moose).
- (11) Elephants.
- (12) Gamecocks and other fighting birds.
- (13) Hippopotami.
- (14) Hyenas.
- (15) Jaguars.
- (16) Leopards.
- (17) Lions.
- (18) Lynxes.
- (19) Monkeys, old world.
- (20) Ostriches.
- (21) Piranha fish.
- (22) Pumas (also known as cougars, mountain lions and panthers).
- (23) Raccoons.
- (24) Rhinoceroses.
- (25) Sharks.
- (26) Snow leopards.
- (27) Swine.
- (28) Tigers.
- (29) Wolves.

(C) *Exceptions.* The provisions of divisions (A) and (B) in this section shall not apply to menageries, zoological gardens, circuses, and recognized, accredited, and permitted public organizations or private nonprofit organizations established for educational purposes, if:

- (1) Their location conforms to the provisions of the zoning code of the town.
- (2) All animals and animal quarter are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.
- (3) Animals are maintained in quarters so constructed as to prevent their escape.
- (4) No person lives or resides within 200 feet of the quarters in which the animal are kept.

('81 Code, § 90.12) (Ord. 93050, passed 10-12-93) Penalty, see § 10.99

§ 90.27 KEEPING DOMESTIC FOWL.

It shall be unlawful for any person to keep or have in his or her possession any chickens, turkeys, ducks, guineas, geese, pheasants, pigeons or other domestic fowl that will because of noise, odors, or flies, or otherwise tend to impair the health or disturb the peace quiet and comfort of nearby residents occupants of places of business.

('81 Code, § 90.13) (Ord. 93050 passed 10-12-93) Penalty, see § 10.99

§ 90.28 COOPS FOR CONFINEMENT OF FOWL.

It shall be unlawful for any person to confine fowl in coops or other enclosures less than 18 inches in height. Such coops or other enclosures shall not be so filled that fowl therein will not be able to move around freely within the same. All coops or other enclosures used to confine fowl shall be provided at all times with clean food and pure water placed in Containers outside of the coop or other enclosure, protected from contamination, and accessible to the fowl at all times. Coops or other enclosures used to confine fowl shall be provided with clean litter and cross-ventilation at all times. No fowl shall be left in any building unless provision is made for outside ventilation.

('81 Code, § 90.14) (Ord. 93050, passed 10-12-93) Penalty, see § 10.99

§ 90.29 NUISANCE ANIMALS.

(A) The actions of an animal constitute a nuisance when an animal 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.

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

- (1) Allowing an animal to run without control or not under constraint as defined herein.
- (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 or flowers.

(3) Maintaining an animal that habitually or repeatedly chases, snaps at, bites, or attacks pedestrians, bicycles, or vehicles, or other animals, or any animal whose behavior constitutes a reasonable risk of injuring a human or other animal.

(4) Allowing or permitting an animal to bark, whine, howl, honk, bray, cry, or make other noises in an excessive, continuous, untimely, or unreasonable fashion, or to make other noise in such a manner so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises.

(5) Maintaining an animal who has noxious or offensive odors.

(6) Allowing or permitting an animal to defecate upon any public place or upon any premises not owned or controlled by the owner or harbinger unless promptly removed (two minutes) by the animal owner or harbinger.

(7) Maintaining an animal in an environment of unsanitary conditions which results in offensive odors, filth, vermin, or disease, or is dangerous to the animal or to the public health, safety, or welfare.

(8) Maintaining property in a manner 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.

('81 Code, § 90.15) (Ord. 93050, passed 10-12-93) Penalty, see § 10.99

§ 90.30 DANGEROUS AND VICIOUS ANIMALS PROHIBITED.

(A) It shall be unlawful for any person to own or in any way maintain, harbor or keep any animal which is dangerous as described in § 90.29 (B)(3) above, or that is vicious as defined in this chapter. This shall not apply to any animal that attacks any person or animal unlawfully upon its owner's or keeper's premises.

(B) Any person who owns an animal that has been declared dangerous or vicious by the Animal Control Officer shall have the right to appeal this decision to the Town Administrator and to request a hearing by submitting a written request to the office of the Town Administrator within five working days after the Animal Control Officer's determination that the animal is dangerous or vicious. The Town Administrator or his/her designee shall conduct a hearing to determine if the Animal Control Officer's determination that the animal is dangerous or vicious is correct or incorrect. If the animal is judged not to be dangerous or vicious, it shall be returned to the owner. If the Town Administrator or his/her designee determines the animal to be dangerous or vicious, then the animal shall be disposed of in a humane manner.

('81 Code, § 90.16) (Ord. 93050, passed 10-12-93) Penalty, see § 10.99

§ 90.31 BIRD SANCTUARY.

(A) *Area established.* The entire area embraced within the corporate limits of the municipality is designated as a bird sanctuary. ('81 Code, § 90.17)

(B) *Molestation of birds; nuisance.* 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 bird nests or wild fowl nests, provided, that if starlings or similar birds are found to be congregating in such numbers in a particular locality that they constitute a nuisance or menace to health or property, in the opinion of the proper health authorities, then in such event such health authorities shall meet with representatives of the Audubon Society, Bird Club, Garden Club, or Humane Society, or as many of those clubs as are found to exist in the municipality, after having given at least three days notice of the time and place of such meeting to the representatives of those clubs. If as a result of such meeting no satisfactory alternative is found to abate such nuisance, then such birds may be destroyed in such number and in such manner as is deemed advisable by the health authorities under the supervision of the Chief of Police.

('81 Code, § 90.18)

(Ord. 93050, passed 10-12-93) Penalty, see § 10.99

LICENSE

§ 90.54 COLLAR; TAG MUST BE WORN.

It shall be unlawful for any person to maintain or keep a dog or cat more than six months of age on any premises within the town unless the dog or cat wears a collar or harness securely attached to its body to which shall be securely attached a tag issued for the dog or cat by a licensed veterinarian, licensed to practice veterinary medicine in the state, showing the dog or cat has been vaccinated against rabies.

('81 Code, § 90.29) (Ord. 93050, passed 10-12-93; Am. Ord. 01031, passed 6-12-01) Penalty, see § 10.99

IMPOUNDMENT; REDEMPTION PROCEDURES

§ 90.65 TIME AND MANNER OF IMPOUNDMENT.

The Animal Control Officer shall seize all dogs and cats that may be found running at large and impound them in an enclosure provided for that purpose. Any person may seize any dog or cat found on his/her premise and deliver it to the Animal Control Officer to be impounded. Where a dog or cat is not vicious, unruly, or bad tempered, but is harmless and is not annoying or threatening toward persons or animals and has been inoculated with a proper and effective vaccine against rabies and carries a license tag securely fastened to its collar, such dog or cat may, in the discretion of the Animal Control Officer, be exempted from the terms of this section. When a complaint is lodged that a specific animal is a nuisance or is vicious, the provisions of this section shall become mandatory.

('81 Code, § 90.30) (Ord. 93050, passed 10-12-93)

§ 90.66 HOMELESS DOG OR CAT.

It shall be the duty of any resident within the town to cooperate with the Town Animal Control Officer in the impounding of any homeless or unwanted dog or cat which may adopt the premises of such person as a home.

('81 Code, § 90.31) (Ord. 93050, passed 10-12-93) Penalty, see § 10.99

§ 90.67 PROCEDURE UPON COMPLAINT.

When a complaint has been lodged against an animal that has committed a nuisance act only, the owner of such animal shall be notified by courier at once, if the owner can be identified. The owner shall correct the situation at once, otherwise the animal shall be impounded.

('81 Code, § 90.32) (Ord. 93050, passed 10-12-93) Penalty, see § 10.99

§ 90.68 FEES.

Fees for impoundment and boarding of animals shall be as fixed from time to time by the Town Administrator.

('81 Code, § 90.33) (Ord. 93050, passed 10-12-93)

§ 90.69 REDEMPTION OF ANIMAL.

The owner of any impounded animal may redeem his/her animal upon satisfactory proof of ownership, by paying the fees and fines for impoundment and boarding to the office designated by the Town Administrator and must provide proof of vaccination. Owner of any impounded dog or cat must obtain a current town dog or cat license.

('81 Code, § 90.34) (Ord. 93050, passed 10-12-93) Penalty, see § 10.99

§ 90.70 REDEMPTION BY PERSON OTHER THAN OWNER.

If the owner of any animal impounded under this division shall fail to redeem such animal within five days after such impoundment, any other person may, upon complying with the provisions of this chapter, redeem such animal from the pound and be the lawful owner of such animal thereafter.

('81 Code, § 90.35) (Ord. 93050, passed 10-12-93)

§ 90.71 DISPOSITION OF UNREDEEMED ANIMALS.

(A) The disposition of all animals impounded hereunder, which have not been redeemed or purchased as authorized by this chapter within five working days of such impoundment, excluding the day of intake, the day of disposition and official holidays recognized by the town, shall be determined by the Charleston Animal Society Shelter.

(B) The Shelter may, at its discretion, follow any reasonable and humane course of action.

(1) Specifically, it may:

(a) Adopt, place for adoption, place with an interim foster home;

(b) Process pursuant to the Free Roaming Cat Program. The town hereby adopts the existing Free Roaming Cat Program of Humane Net, of which the Charleston Animal Society is a member, and the same shall be controlling over all other provisions of this chapter to the contrary, if any;

(c) Medically treat and/or place with an appropriate facility or agency equipped for the care of a particular animal; or

(d) Pursue any other alternative deemed appropriate under the circumstances, including disposing of an animal in a humane manner.

(2) Notwithstanding the stated, no animal may be disposed of by selling or giving such animal to any person or entity for the purpose of using the animal for experimentation, for medical or other research, or for food or other commercial processing,

('81 Code, § 90.36) (Ord. 93050, passed 10-12-93; Am. Ord. 10004, passed 3-10-10)

§ 90.72 RELEASE OF IMPOUNDED ANIMALS; RESISTING ANIMAL CONTROL OFFICER.

It shall be unlawful for any person to release or take away without proper authority any impounded animal or to resist the Animal Control Officers when they are engaged in the impounding of an animal.

('81 Code, § 90.37) (Ord. 93050, passed 10-12-93)

ADMINISTRATION AND ENFORCEMENT

§ 90.85 ANIMAL CONTROL OFFICER.

There shall be one or more persons designated by the Chief of Police as Animal Control Officer or Animal Control Officers in addition to any town police officer whose duty it shall be to supervise and enforce the provisions of this chapter and all other applicable laws concerning animals and he or she shall have the power and full authority to accomplish the same. Nothing herein shall abridge or limit the rights and duty of the local law enforcement authorities to enforce the provision of this chapter or any other law concerning animals to the degree which their training and expertise may allow them to do.

('81 Code, § 90.03) (Ord. 93050, passed 10-12-93)

Cross-reference:

For Municipal ordinance summons, see § 35.10

Statutory reference:

S.C. Code 1976 as amended, Title 47

§ 90.86 INTERFERENCE WITH OFFICER.

No person shall interfere with, hinder, or molest the duly authorized Animal Control Officer of the town in the performance of his or her duty, or any such agents, or seek to release animals in the custody of the duly authorized Animal Control Officer of the town or any agent of the town, except as provided in this chapter.

('81 Code, § 90.04) (Ord. 93050, passed 10-12-93)

§ 90.87 PROCEDURE FOR SEARCH WARRANT AND SEIZURE.

When complaint is made on oath or affirmation to any magistrate or municipal court judge authorized to issue warrants in criminal cases that the complainant believes or has probable cause to believe that this chapter in relation to animals has been violated in any particular building, premises, or place, such magistrate or municipal court judge, if satisfied that there is reasonable cause for such

belief, shall issue a search warrant authorizing any law enforcement officer, accompanied by an Animal Control Officer, to search the building or place, but no search shall be made after sundown unless specially authorized by the magistrate or municipal court judge upon satisfactory cause.
(81 Code, § 90.05) (Ord. 93050, passed 10-12-93)