

COUNTY OF HORRY)
)
STATE OF SOUTH CAROLINA)

ORDINANCE 86-2021

AN ORDINANCE AMENDING ARTICLE I, ARTICLE II, AND ARTICLE V OF CHAPTER 4 (ANIMALS AND FOWL) OF THE HORRY COUNTY CODE OF ORDINANCES TO PROVIDE FOR ADDITIONAL SPECIFICS CONCERNING THE CARE AND TREATMENT OF ANIMALS, TO INCLUDE SHELTERING, BREEDING OPERATIONS, SALES, CONFINEMENT AND TRANSPORTATION, AND TO PROMOTE COMMUNITY CAT CARE.

WHEREAS, County Council is keenly aware of the unfortunate reality of animal cruelty, neglect, and uncontrolled proliferation, and the need for proper care and treatment of domesticated animals within our community; and

WHEREAS, of particular concern is the proper sheltering of animals, the regulation and control of commercial breeding facilities where the health and welfare of animals may not be well attended to, the transportation of animals, and the value of programs such as feral community cat trap, neuter and return (TNR), and spay and neuter, programs; and

WHEREAS, County Council recognizes the importance of protecting the health and welfare of the citizens, residents, and visitors within Horry County, and further desires to discourage the inhumane treatment of domesticated animals by imposing certain requirements for their care and treatment, restricting the sale of certain companion animals at pet stores, and encouraging programs that will stem the tide of proliferation of unplanned and unwanted animal; and

WHEREAS, Council finds that certain amendments to existing local law regulating the care and treatment of domestic animals are in order to effect the objectives mentioned herein.

NOW, THEREFORE, by the power and authority granted to the Horry County Council by the Constitution of the State of South Carolina and the powers granted to the County by the General Assembly of the State, the following hereby is ordained and enacted:

1. CODE AMENDMENT: Article I (Small Animal Management), Article II (Large Animal Management), and Article V (Rabies Control) of Chapter 4 (Animals and Fowl), are hereby amended as follows (added language is underlined and deleted language is ~~stricken through~~ using Microsoft Word Tracked Changes):

Chapter 4 - ANIMALS AND FOWL
ARTICLE I. - SMALL ANIMAL MANAGEMENT

Sec. 4-1. - Shelter established.

There is hereby established an animal control shelter for the county for the purpose of impounding and quarantining stray and homeless animals. The county may operate this shelter within the organizational structure of the county government, or contract out the management of the shelter to an appropriate organization. Funds to establish and operate the shelter shall be provided in the annual county appropriations.

Sec. 4-2. - Applicability.

The provisions of this chapter shall not apply to those areas of the county located within the confines of any legally incorporated municipality within the county, unless a majority of the governing body of a municipality, by written and signed resolution, formally requests to include the area of such municipality within the coverage of this chapter and the county council has acted favorably on such a request and has so notified such municipality of its approval of such a request.

Sec. 4-3. - Care and treatment; creating public nuisance.

~~(a) All owners of animals shall provide such animals with sufficient food and water, proper shelter, veterinarian care when needed to prevent suffering and humane care and treatment. No person shall poison any animal other than household pests or intentionally or unintentionally, deliberately negligently kill, mistreat or abandon any domestic animal. Only authorized law enforcement officers, their agents, veterinarians or their agents or the animals rightful owner shall be permitted to dispose of domestic animals and this shall be done in a legally permissible and humane manner. "Proper shelter is defined as a dog house or house-like structure, appropriate for the size and number of animals. The cover shall protect against inclement weather, direct rays of the sun and provide adequate ventilation, and shall be kept in a reasonably clean, dry and habitable condition, with the appropriate measures taken to protect the animal from excessively hot or cold temperatures, e.g., $<30^{\circ}$ $\geq 100^{\circ}$ Fahrenheit. Trees, shrubbery, abandoned cars and like, stacked cages, cages with wire floors, and cages with length measuring less than the cumulative sum of double each contained animal's length plus six (6) inches do not meet the criteria for "proper shelter." "Sufficient food and water" shall include not only quality but type appropriate for the size and number of animals, clean and fit for consumption free from deleterious substances such as insects and insect larvae, decaying matter, algae, or other foul or filthy substance.~~

~~(b) All owners of animals shall provide such animals with sufficient food and water, proper shelter, veterinary care when needed to prevent suffering and with humane care and treatment.~~

(b) Anyone owning, harboring, keeping in possession, or having custody or control of any animal shall provide such animal with sufficient food and water, proper shelter, and veterinary care when needed, providing for humane care and treatment and to prevent suffering.

(b)(1) Proper shelter is a outdoor house-like structure appropriate for the size and number of animals which will keep a non-aquatic animal dry, out of the direct path of winds, out of direct sun, and at a reasonable temperature that is healthful for the animal. The containment area for the animal shall be free of accumulated waste and debris so that the animal shall be free to walk or lie down without coming in contact with waste or debris; shall be free of unsanitary conditions; reasonable measures should be taken to keep the area free of ticks, fleas, flies, and also comply with the county mosquito ordinance Sec. 10-19 Exterior property maintenance. A suitable method of drainage shall be provided to rapidly eliminate any excess water or moisture. Aquatic and semi-aquatic animals shall have an adequate amount of clean water in which to move. For dogs outside for more than 30 minutes without the physical presence of an owner or caretaker, proper shelter shall meet the following minimum standards:

a. The shelter shall be an enclosed waterproof and windproof structure of suitable size to accommodate each dog and allow retention of body heat. It shall be made of durable material with a solid, waterproof floor raised from the ground.

b. During times when the forecasted or actual outdoor temperature measures 45 degrees Fahrenheit or lower, the outdoor shelter must have a windbreak at the entrance. The outdoor shelter shall have adequate suitable, clean bedding material to provide insulation and protection against cold and dampness

and promote retention of body heat such as shavings or straw otherwise as needed when illness or injury are present.

c. During times when the forecasted or actual outdoor temperature measures 85 degrees Fahrenheit or higher, each dog must be afforded one or more separate areas of shade large enough to accommodate the entire body of the dog at one time to ensure protection from the direct rays of the sun during all daylight hours. A doghouse is inadequate protection from the sun.

d. A doghouse shall not be constructed of metal or any material that readily conducts heat or cold unless properly insulated.

e. Trees, shrubbery, abandoned cars and the like, ~~plastic barrels, stacked cages without barriers~~ ~~dividers, cages with wire floors without a solid resting platform, and permanent living cages with lengths measuring less than the cumulative sum of double each contained animal's length plus six (6) inches do not meet the criteria for "proper shelter."~~ do not meet the criteria for "proper shelter"

(2) Sufficient food shall mean adequate amounts of fresh, wholesome food suitable for the type and size of animal, fit for consumption and free from deleterious substances such as insects and insect larva, decaying matter, or other foul or filthy substance. ~~Sufficient water shall mean a constant supply of clean, potable water otherwise in written form by a veterinarian.~~ Sufficient water shall mean a constant supply of clean, potable water except when in compliance with the recommendations of a S.C. licensed veterinarian to withhold food and water for a certain period of time.

(c) No person owning, harboring, keeping in possession, or having custody or control of any animal shall permit such animal to create a public nuisance. Public nuisance shall include, but not be limited to, the following: creating excessive noise; molesting people; chasing vehicles; depositing excretory matter on property other than that of the owner or responsible individual; run at large while in heat. Provided further, it shall be unlawful for the owner of or individual responsible for any domestic animal of any description willfully or negligently to permit any such animal to run at large beyond the limits of his own land or the lands leased, occupied or controlled by ~~him~~ the owner. A person caring for community cats, as defined herein, is not considered to be owning, harboring, keeping in possession or having custody or control of those cats and so shall be exempt from this section as long as permission is granted by the land owner.

(d) Unlawful acts:

(1) No person responsible for an animal, with the exception of TNR program cats, shall allow his animal to run at large off of property owned, rented or controlled by him.

(2) Tethering. It shall be unlawful to tether an animal while outdoors except when all of the following conditions are met:

a. The animal must be over the age of six (6) months.

b. The tether is connected to the animal with a buckle-type collar or a body harness made of nylon or leather, and such collar or harness is not less than one (1) inch in width and is at least one (1) inch greater in diameter than the animal's neck or torso.

c. The tether has the following properties:

1. A minimum eight-foot length;

2. A swivel-type termination at both ends; and

3. Total weight does not exceed ten (10) percent of the animal's body weight.

d. The animal is not tethered outside during extreme weather, including, but not limited to, temperatures above ninety (90) degrees Fahrenheit or below forty-five (45) degrees Fahrenheit snow hail tornadoes, thunderstorms tropical storms or hurricanes.

e. The animal is tethered so as to prevent injury, strangulation or entanglement.

f. The animal has access to water ~~food~~ and shelter.

g. The animal is not tethered where any object may interfere or impede free movement of the tether.

h. The animal is not sick or injured.

i. The animal is not tethered in such proximity to any other tethered animal that would allow entanglement.

j. The animal is not tethered on any property with an unoccupied dwelling, to include, but not be limited to, abandoned or condemned buildings.

k. Any pulley, running line or trolley system to which a tether is attached shall be no less than eight (8) feet in length and no more than seven (7) feet above ground.

l. This sub-section shall not apply to animals tethered as part of training for hunting or sport dogs, for animals involved in public events (dog shows, fairs, etc.) or animals at campgrounds located within the unincorporated areas of Horry County. Nothing in this section shall be construed to prohibit a person from walking a small animal on a hand-held leash.

(3) Release or take out of quarantine without proper authority any dog or cat, or resist law enforcement personnel engaging in the capture and quarantine of a dog or cat.

(4) Abandonment—intentionally, knowingly, or recklessly leave a domestic animal alone or permit the animal to be abandoned at a location without providing minimum care and/or in circumstances which might cause harm to the animal, or deserting, forsaking, or relinquishing custody of such animal without making reasonable arrangements for someone else to assume responsibility for the health, safety, and welfare of the animal. Community cats returned to the same location from which they were collected shall not be considered abandoned.

(5) Intentionally, knowingly, negligently, or recklessly:

a. Possesses a large number of companion animals;

b. Fails to or is unable to provide the minimum requirements under subsection (b) of this section;

c. Keeps the animals in severely overcrowded environment; and

d. Displays an inability to recognize or understand the nature of or has a reckless disregard for the conditions under which the companion animals are living and the deleterious impact they have on the companion animals' and owner's or possessor's health and well-being.

~~(6) Confining a animal in a closed vehicle without engaging functioning air conditioning or ventilation whenever the ambient temperature exceeds seventy (70) degrees Fahrenheit (moving to 4-13)~~

Any person who violates the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined in accordance with county ordinances. In addition, if as a result of a violation of a provision or provisions of this section, an animal is observed to be in immediate danger of death or serious injury, or continued maltreatment or severe neglect, the animal may be removed and impounded pursuant to appropriate legal authority.

(e) The ~~administrator~~ director or his/her designee is authorized to develop and implement feral community cat trap, neuter and return (TNR), and spay and neuter programs, provided funding for the program(s) is provided in the County's budget.

Sec. 4-4. - Fees; impoundments; adoptions.

(a) Whenever any animal is impounded pursuant to this chapter, the owner thereof or individual responsible therefor shall pay a shelter fee and the cost of any required veterinary services. When any animal is impounded, the shelter director or their authorized agent shall immediately attempt to notify the owner or individual responsible therefor. The shelter director shall be responsible for keeping a record of all animals impounded or taken into possession, showing that information as will determine the identity of the animal, the date of impounding, the fees accrued and the final disposition. If the animal is not reclaimed within five (5) days, inclusive of the day the animal was picked up, the shelter director or their authorized agent shall adopt the animal out or dispose of the animal in a humane way.

(b) The following are exempted from the provisions of subsection 4-4(a):

- (1) Vicious dogs posing a safety threat to shelter workers or visitors;
- (2) Badly injured, sick or suffering animals requiring extensive treatment;
- (3) Animals with highly contagious or fatal diseases;
- (4) Animals who have been signed over to the shelter by their owner;
- (5) ~~Feral Cats~~ Animals taken into possession and processed for TNR.

(c) Before any animal is adopted out to any one by the shelter director, the animal shall have received all necessary medical care, including, but not limited to, spaying/neutering and rabies vaccination.

(d) When any dog is positively identifiable pursuant to S.C. Code 1976 § 47-3-540, the owner must be notified at his last known address by registered mail that the county has the dog in its possession. The owner must notify the shelter within two (2) weeks that he will pick up his dog. If the owner does not pick up his dog within two (2) weeks of notification to the shelter, the dog will be considered abandoned. All costs and/or fines levied by this section or other sections will apply.

(e) Community cats, as defined herein, are exempt from this section. Any ear-tipped cat trapped will be released at the location the cat was trapped, provided the cat is healthy. Any community cat not yet sterilized and ear-tipped may be transported to the shelter for the sole purpose of sterilization, ear-tipping, and vaccination and shall be returned to the location from which it was picked up as soon as medically advisable.

Sec. 4-5. - Interference with animal control agents.

No person shall interfere or attempt to interfere with the animal control agents or other duly authorized law enforcement officers of the county in the performance of their duties, nor shall any person release

or attempt to release without authority any animal impounded pursuant to the animal control laws of the county.

Sec. 4-6. - Quarantine of diseased animals.

No person shall permit any animal with a contagious or infectious disease to stray from quarantine.

Sec. 4-7. - Disposal of dead animals.

All dead animals shall be promptly disposed of by cremation, burial or other sanitary means. No owner or guardian of any animal shall deposit or leave such animal upon its death on public property or the property of another person without permission from such person.

Sec. 4-8. - Licensing requirements.

No license shall be required of dogs, cats or other small domestic animals. However, the county requires dog and cat owners to provide a means of identification for these animals, either through a collar tag, microchip, or other viable means. A person providing food, water, shelter, or care to community cats shall not be considered the owner of those cats and shall not be required to comply with this section.

Sec. 4-9. - Turtles.

It shall be unlawful to hold for sale or offer for any other type of commercial or public distribution viable turtle eggs or live turtles with a shell of less than four (4) inches.

Sec. 4-10. - Dog and cat breeding operations; Restriction on the sale of animals.

(a) Definitions ~~(1) Breeder or breeding operation means:~~

(1) *Animal rescue organization* means any not-for-profit organization having tax-exempt status of a 501 (C)(3) or 501 (C)(6) for animals of the United States Internal Revenue Code, whose mission and practice is, in whole or significant part, the rescue and placement of animals into permanent homes, and which does not breed animals. Animal rescue organizations do not include any entity who's primary business:

a. is located on the same premises as a person or entity that breeds dogs or cats;

b. has any personnel in common with such a person or entity, including but not limited to, any employee, manager, or board member;

c. obtains any dogs or cats from such a person; or

d. facilitates the sale of dogs or cats that were obtained from such a person.

(2) *Breeder or breeding operation* means:

a. A person, persons or entity that offers twenty-five (25) or more dogs or cats for sale during a 365-day period, as determined by animal control officers.

b. This definition does not include the following "exempted operations": animal shelters, the Humane Society, or rescue operations, or rescue operations, or operations that are registered with and/or regulated by the United States Department of Agriculture, operations that are registered with and/or regulated by the United States Department of Agriculture, except as otherwise stated.

(3) Cat means a member of the species of domestic cat, Felis catus.

(4) Commercial establishment means an establishment involving an activity with goods, merchandise, or services for sale or involving a rental fee.

(5) Companion animal means any dog or cat as defined within this Section.

(6) Dog means a member of the species of domestic dog, Canis familiaris.

(7) Licensed veterinarian means a veterinarian licensed to practice in the State of South Carolina or any other state in the United States of America.

(8) Offer for sale means to sell, exchange for consideration, offer for adoption, advertise for the sale of, barter, auction, give away, or otherwise dispose of animals within a commercial establishment.

(9) Pet store means a retail business, whether the same be a sole proprietorship, partnership, corporation, association, or other legal entity, primarily engaged in the sale, exchange, barter, or offer for sale of dogs and/or cats, and/or pet supplies, and/or pet food to the general public at retail. This term does not include any animal rescue organization as defined within this Section.

(10) Sale location means premises, locations, structures, enclosures, or facilities where breeders or breeding operations offer dogs or cats for sale.

(b) County animal control officers shall:

(1) Inspect the premises of a breeder or breeding operation no less than once every three hundred sixty-five (365) days for the purpose of ensuring compliance with the requirements of this section;

(2) Inspect the premises of a sale location periodically, but in no event less than two times per year, for the purpose of ensuring compliance with the requirements of this section; and

(3) Inspect as warranted the premises where a violation of this section is alleged to have occurred.

(c) Whenever it is necessary or required for animal control officers to make an inspection in order to perform any duty or enforce any provision of this section, animal control officers are hereby empowered to enter property at a reasonable time and to inspect the premises. Animal control officers shall have such power if consent of the owner or occupant of the property is freely given, a search warrant is obtained, or such exigent circumstances exist such that a warrantless, non-consensual search is required.

(d) The inspecting animal control officer, in his discretion, may allow a breeder or breeding operation seven or fewer days to correct any issues of noncompliance with this section unless immediate action is warranted to protect the health and well-being of the animals in question.

(e) Any animal observed by animal control officers to be in immediate danger of death, serious injury, or continued maltreatment may be removed from such situation by the quickest and most reasonable means available and may be promptly impounded.

(f) Any breeder or breeding operation located within the County or advertising or offering a dog or cat for sale in the County shall provide ~~written proof that~~ in writing:

~~(1) As of the date of sale, the dog or cat has been vaccinated against communicable diseases in accordance with the most recent guidelines published by the American Veterinary Medical Association and;~~ Proof that, as of the date of sale, the dog or cat has been vaccinated against communicable diseases in accordance with the most recent guidelines published by the American Veterinary Medical Association; ~~and~~

(2) proof that the dog or cat has been inoculated against rabies at a frequency to provide continuous protection of the dog or cat from rabies; and

(3) the name, mailing address, and physical address of its breeding facility or facilities.

Written proof of rabies inoculation is a certificate signed by a licensed veterinarian in the form prescribed under S.C. Code § 47-5-10 et seq., commonly known as the Rabies Control Act.

~~(g) Any breeder or breeding operation located within the county offering a dog or cat for sale via classified advertisement, via online sale forum, or via other electronic means shall provide the written proof of vaccination and inoculation described in this subsection.~~

~~A breeder or breeding operation offering a dog or cat for sale in the county, who's primary residence or primary place of business is located outside the county, must also provide, in addition to the written proof of vaccination and inoculation described in this subsection, the name, mailing address, and physical address of its breeding facility or facilities.~~

Any breeder or breeding operation, or any of its servants, agents, or employees, while acting within the scope of their employment, convicted under any local ordinance or state statute regarding animal cruelty or maltreatment is prohibited from selling any animal or offering any animal for sale in the county.

(h) No breeder or breeding operation may offer an animal as an inducement to purchase a product, commodity, or service, except this provision shall not apply to the sale, trade, barter, or auction of livestock or poultry.

(i) No breeder or breeding operation may sell, offer for sale, or give away any dog or cat under eight weeks of age, or any other animal not properly weaned, except to surrender the animal to a rescue operation, Humane Society, or municipal and/or county animal shelter.

(j) Restrictions on the sale of animals.

(1) It shall be unlawful for any pet store, as defined within this Section, or any other commercial establishment located within the county to offer for sale a dog or cat. Employee, manager, agent, or other person affiliated with such pet store, to display, sell, deliver, offer for sale, barter, giveaway, or otherwise dispose of any dog or cat within the unincorporated areas of Horry County.

(2) A pet store or other commercial establishment may provide space to an animal shelter, as defined under S.C. Code § 47-3-10, or an animal rescue organization as defined within this Section, to offer to the public dogs or cats for a nominal adoption fee, provided that the pet store or commercial establishment shall not have any ownership interest in the animals offered and shall not receive any fee for providing space or for the adoption of any of the animals.

Failure to comply with any of the requirements shall result in the revocation of the breeder or breeding operations business license issued by Horry County, and penalties and enforcement for this section shall be those found in section 4-10 of the Horry County Code of Ordinances, set forth in this section, or violation of any of the provisions of this section, may result in business license revocation, in addition to the penalties and enforcement actions found in section 4-10 herein.

Sec. 4-11. – Confinement and Transportation of Animals in Motor Vehicles

(1) It shall be unlawful to confine an animal in a closed vehicle unattended that is not continuously occupied by a person of suitable age and capacity responsible for and capable of providing for the well-being of the animal without engaging functioning air conditioning whenever the ambient temperature exceeds seventy (70) degrees Fahrenheit or under any other conditions that would endanger the health or well-being of the animal due to heat, cold, lack of adequate ventilation, lack of food and water, or other circumstance that could reasonably be expected to cause suffering, disability, or death to the animal. Evidence that the animal is suffering from heat stress is prima facie evidence of the violation of this section.

(2) 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.

(3) County law enforcement who find any animal in a motor vehicle in violation of this section may break and enter the vehicle, if necessary, to remove the animal, without any liability for any vehicle damage that results. An animal removed shall be immediately taken to the animal impounding facility to be evaluated by a licensed veterinarian. A written notice shall be left in the vehicle identifying the seizing authority and location of impoundment. The owner of or person responsible for the animal is responsible for all medical and housing expenses incurred.

(4) An animal transported in the bed of a pick-up truck, on a flatbed trailer, or via a similarly open trailer on a road with a speed limit of 55 miles per hour or greater shall be secured in a crate designed for the purpose of transporting animals which is secured to the vehicle or trailer. The door of the crate must close securely with an appropriate closure that the animal cannot open. The crate must keep the animal dry and protected from the sun, wind, and precipitation.

Sec. 4-12. – Community Cats.

(a) *Community Cat* means any free roaming cat without visibly discernable or microchip identification that may be cared for by one or more residents in the area, known or unknown. Community cats that are ear tipped indicate the animal is sterilized and vaccinated against rabies at least one time. A community cat may also mean a cat that is found outside with no valid identification that is brought to the animal shelter and is not yet sterilized, ear tipped, and rabies vaccinated.

(b) A person providing food, water, shelter, or other care for a community cat shall not be considered the owner, keeper, or custodian of the cat(s) for any purposes in this chapter.

Sec. 4-13. - Enforcement officers.

Horry County Police Department shall enforce the provisions of this chapter.

Sec. 4-14. - Penalties; enforcement actions.

Any person convicted of violating any provision of this chapter shall be subject to punishment as provided in section 1-8 of this Code. In the event the magistrate shall determine, after a hearing, that an animal is vicious, he may order the animal to be humanely disposed of by the animal control officer. The owner or other person having control of the animal shall be notified of the hearing at least ten (10) days before the hearing, and shall have the right to be represented by an attorney at the hearing. Violations shall be prosecuted on behalf of the county by an animal control officer, and all parties shall have the right to present such evidence and subpoena such witnesses as they may deem necessary. The magistrate shall have the right and authority to order the animal impounded until a final determination is made.

Secs. 4-15—4-20. - Reserved.

ARTICLE II. - LARGE ANIMAL MANAGEMENT

Sec. 4-21. - Shelter established.

There is hereby established a animal control shelter for the county for the purpose of impounding and quarantining stray and homeless large animals and livestock. The county may operate this shelter within the organizational structure of the county government, or contract out the management of the shelter to an appropriate entity. Funds to establish and operate the shelter shall be provided in the annual county appropriations.

Sec. 4-22. - Applicability.

The provisions of this chapter shall not apply to those areas of the county located within the confines of any legally incorporated municipality within the county, unless a majority of the governing body of a municipality, by written and signed resolution, formally requests to include the area of such municipality within the coverage of this chapter and the county council has acted favorably on such a request and has so notified such municipality of its approval of such a request.

Sec. 4-23. - Care and treatment; creating public nuisance.

- (a) ~~All owners of animals shall provide such animals with sufficient food and water, proper cover, veterinary care when needed to prevent suffering, with humane care and treatment. As defined by S.C Code §47-4-20 " Livestock" mean all classes and breeds of animals, domesticated or feral, raised for use, sale, or display, must be provided adequate veterinary care includes an annual exam by a veterinarian, recommended vaccinations, preventative teeth and hoof care as recommended by a veterinarian and/or farrier. Sufficient food shall mean adequate amounts of fresh, wholesome food suitable for the type and size of animal, fit for consumption and free from deleterious substances such as insects and insect larva, decaying matter, or other foul or filthy substance. Sufficient water shall mean a constant supply of clean, potable water. Proper cover means a structure appropriate for the size and number of animals which will keep a non-aquatic animal dry, out of the direct path of winds, out of direct sun, and at a temperature that is healthful for the animal.~~ The containment area for the animal shall be free of accumulated waste and debris so that the animal shall be free to walk or lie down without coming in contact with waste or debris; shall be free of unsanitary conditions; and shall be reasonably free of ticks, fleas, flies, and mosquitoes. A suitable method of drainage shall be provided to rapidly eliminate any excess water or moisture. No person shall poison any animal other than household pests or deliberately kill, mistreat or abandon any domestic animal. Only authorized law enforcement officers, their

agents, veterinarians and animal rightful owner shall be permitted to dispose of domestic animals and this shall be done in a legally permissible and humane manner. A person is not required to provide shelter for livestock as defined by state law while the animals are maintained under rational grazing system as long as the animals do not have injuries or infirmities that prevent them from accessing food and water and are in good body condition.

(b) Marking, branding, or disfiguring large animals of another. Whoever shall be lawfully convicted of wilfully and knowingly marking, branding or disfiguring any horse, mare, gelding, filly, ass, mule, bull, cow, steer, ox or calf of any other person shall, for each and every such animal which he shall be convicted of marking, branding or disfiguring as aforesaid, be subject to a penalty of one hundred dollars or to imprisonment for a term not exceeding six months or both, in the discretion of the court. In case such offender shall afterwards repeat the same or commit a like offense, on conviction thereof he shall be liable to a fine of two hundred dollars or to imprisonment for a term not exceeding one year or both, in the discretion of the court, for each animal by him so marked, branded or disfigured.

(b c) No person owning, harboring, keeping in possession, or having custody or control of any animal shall permit such animal to create a public nuisance. Public nuisance shall include, but not be limited to, the following: creating excessive noise; molesting people; depositing excretory matter on property other than that of the owner or responsible individual. Provided further, it shall be unlawful for the owner of or individual responsible for any large animal of any description willfully or negligently to permit any such animal to run at large beyond the limits of his own land or the lands leased, occupied or controlled by him.

(e d) Any person who violates the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined in accordance with county ordinances.

Sec. 4-24. - Fees; impoundments; unredeemed animals.

(a) Whenever any animal is impounded pursuant to this chapter, the owner or the person thereof or individual responsible a daily shelter fee and the cost of any required veterinary services. When any animal is impounded, the environmental coordinator or their authorized agent shall immediately attempt to notify the owner or individual responsible therefore. The environmental coordinator shall be responsible for keeping a record of all animals impounded or taken into possession, showing that information as will determine the identity of the animal, the date of impounding, the fees accrued and the final disposition. If the animal is not reclaimed within five (5) days, inclusive of the day the animal was picked up, the environmental coordinator or their authorized agent may sell the animal at a public auction, conduct a public bid, or adopt the animal out.

(b) The following are exempted from the provisions of subsection 4-24(a):

- (1) Badly injured, sick or suffering animals requiring extensive treatment;
- (2) Animals with highly contagious or fatal diseases;
- (3) Animals who have been signed over to the shelter by their owner;

(c) Before any large animal is sold or adopted, the animal shall have received appropriate medical care.

Sec. 4-25. - Interference with animal control agents.

No person shall interfere or attempt to interfere with the animal control agents or other duly authorized law enforcement officers of the county in the performance of their duties, nor shall any person release or attempt to release without authority any animal impounded pursuant to the animal control laws of the county.

Sec. 4-26. - Quarantine of diseased animals.

No person shall permit any animal with a contagious or infectious disease to stray from quarantine.

Sec. 4-27. - Disposal of dead animals.

All dead animals shall be promptly disposed of by cremation, burial or other sanitary means. No owner or guardian of any animal shall deposit or leave such animal upon its death on public property or the property of another person without permission from such person.

Sec. 4-28. - Licensing requirements.

No license or other identification shall be required of horses, cows, pigs, or other domestic livestock. However, the county encourages owners to provide means of identification for these animals.

Sec. 4-29. - Enforcement officers.

The Horry County Police Department shall enforce the provisions of this chapter.

Sec. 4-30. - Enforcement.

Any person convicted of violating any provision of this chapter shall be subject to punishment as provided in section 1-8 of this Code.

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ARTICLE V. - RABIES CONTROL

Sec. 4-51. - Inoculation; certificate; tags.

(a) No person shall own, keep or harbor any pet within the county for longer than sixty (60) days unless such pet has been inoculated against rabies as provided in this section.

(b) Every owner of a pet will have his pet inoculated against rabies at one or three year intervals, depending on duration of the vaccine used.

(c) A state board of health certificate of pet rabies vaccination will be issued by a licensed graduate veterinarian for each pet stating the name and address of the owner; the name, breed, color, markings, age and sex of the animal; and the veterinary or pharmaceutical control number of the vaccination.

(d) Coincident with the issuance of the certificate, the licensed graduate veterinarian shall also furnish a serially numbered metal license tag bearing the same number and year as the certificate. The metal license tag shall bear the name of the veterinarian who administered the vaccination and shall at all times be attached to a collar or harness worn by the pet for which the certificate and tag has been issued.

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

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

(g) If there is a change in ownership of a pet during the valid period of immunization, the new owner may have the current certificate of immunization transferred to his name.

(h) A certificate of rabies immunization issued by a licensed veterinarian from another state will be accepted as valid evidence provided the vaccination has not expired.

(i) It shall be unlawful for any owner of any pet which has not been inoculated as required by this section to allow it to run at large.

(j) Any person caring for community cats shall be exempt from this section. A tipped ear shall be evidence that a community cat has been vaccinated against rabies.

Sec. 4-52. - Biting animals; suspected rabid animals—Report; confinement.

Whenever any dog or other animal subject to rabies has bitten or attacked any person, or when any dog or animal is suspected or having rabies, it shall be the duty of the person having such knowledge to immediately report such facts to the animal control officer or the county health officer. Such animal shall not be killed, but shall be confined in such way and for such reasonable period of time at the expense of the owner or custodian of the animal as the animal and insect control or health officer shall direct.

Sec. 4-53. - Same—Killing; removing from county jurisdiction.

No person shall kill or cause to be killed any rabid pet or other animal, or one suspected of having been exposed to rabies or which has bitten a person, nor remove such pet or animal from the jurisdiction of the county without written permission of the county health department. An exception to the preceding requirement is in the event of the possibility of the animal's escape or additional biting in which case the animal is to be killed and the county health department notified immediately.

Sec. 4-54. - Penalty.

The violation of any section of this article shall constitute a misdemeanor and shall be punishable as provided in section 1-8 of this Code.

2. SEVERABILITY. If any Section, Subsection, or part of this Ordinance shall be deemed or found to conflict with a provision of South Carolina law, or other pre-emptive legal principle, then that Section, Sub-section or part of this Ordinance shall be deemed ineffective, but the remaining parts of this Ordinance shall remain in full force and effect.

3. CONFLICT WITH PRECEDING ORDINANCES. If a Section, Sub-section or provision of this Ordinance shall conflict with the provisions of a Section, Sub-section or part of a preceding Ordinance of Horry County, unless expressly so providing, then the preceding Section, Sub-section or part shall be deemed repealed and no longer in effect.

4. EFFECTIVE DATE. This Ordinance shall become effective on Third Reading.

AND IT IS SO ORDAINED, ENACTED AND ORDERED.

Dated this 16th day of November, 2021.

HORRY COUNTY COUNCIL

Johnny Gardner, Chairman

Harold G. Worley, District 1
Bill Howard, District 2
Dennis DiSabato, District 3
Gary Loftus, District 4
Tyler Servant, District 5
Cam Crawford, District 6

Orton Bellamy, District 7
Johnny Vaught, District 8
R. Mark Causey, District 9
Danny Hardee, District 10
Al Allen, District 11

Attest:

Patricia S. Hartley, Clerk to Council

First Reading: October 19, 2021
Second Reading: November 2, 2021
Third Reading: November 16, 2021