

ORDINANCE NUMBER 48-2021
AN ORDINANCE TO AMEND CHAPTER 10 (ANIMALS) OF THE CITY
OF GREER CODE OF ORDINANCES

WHEREAS, the City of Greer City Council reviews the City Ordinances at various times to make necessary improvements and/or changes; and,

WHEREAS, Greer City Council wishes to amend Chapter 10 of the City of Greer Code of Ordinances to improve enforcement of the City's animal control by the Greer Police Department.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Greer that Chapter 10 (Animals) be amended as follows:

Chapter 10 - ANIMALS

ARTICLE I. - IN GENERAL

Sec. 10-1. - Animal control officer.

- (a) The animal control officer operates under the supervision of the police department and is vested with the authority to enforce and otherwise administer the provisions of this chapter.
- (b) The animal control officer is hereby authorized and empowered to follow and enter upon any enclosure or lot, public or private, within the city, in the quest of any animal which the animal control officer has reasonable cause to believe is rabid, abused, neglected, abandoned or dangerous, and the animal is an immediate danger to others, or is in immediate danger of injury or loss of life itself, to take custody of the animal to achieve the purposes of this chapter. Such entry upon private property shall not be deemed to be a trespass. The animal control officer, with the assistance of police officers, may obtain a search warrant to enter any premises upon which there is probable cause to believe that violation of this chapter exists. With the search warrant, the animal control officer and police officers may enter the premises to examine and take custody of animals whenever the animal control officer determines the action is appropriate to achieve the purposes of this chapter. Such entries are authorized so long as they are otherwise consistent with the state constitution and the United States Constitution.
- (c) No person shall interfere with or hinder the animal control officer in the performance of the duties created under this chapter. No attempt to assist the animal control officer is authorized without the animal control officer's consent.
- (d) Police officers shall have authority to take whatever steps may be necessary to control, repel or dispose of dangerous dogs or other animals if, in the police officer's discretion, any such authorized action is necessary.

(Ord. No. 30-2004, § 4-1, 10-26-2004)

Sec. 10-2. - Fines, etc., a lien on animal.

All penalties, fines and costs, incurred by reason of violation of this chapter shall constitute and be a lien upon such animal or animals.

(Ord. No. 30-2004, § 4-2, 10-26-2004)

Sec. 10-3. - Disposition of fines.

All fines collected under this chapter shall be placed in the city's general fund.

(Ord. No. 30-2004, § 4-3, 10-26-2004)

Sec. 10-4. - Disposition of dead animals or fowl.

- (a) Every person in whose possession any animal or fowl of any kind dies within the city limits shall, immediately upon the death of such animal or fowl, dispose of the body of such animal in accordance with rules and regulations promulgated by the sanitation supervisor.
- (b) Rules and regulations relating to the subject of disposal of bodies of dead animals shall be promulgated by the sanitation supervisor and a copy of same filed in the office of the municipal clerk.
- (c) Deceased animals disposed of by animal control or the sanitation department shall not be sold or given to a rendering facility, laboratory or research facility.

(Ord. No. 30-2004, § 4-4, 10-26-2004)

State Law reference— Health and sanitation in relation to animals, S.C. Code 1976, § 47-13-10 et seq.

Sec. 10-5. - Possession of wild, exotic or endangered animals.

- (a) No person shall keep or be permitted to keep on his premises any wild, exotic, or endangered animal for sale, hire, display or for exhibition purposes whether gratuitously or for a fee. This section shall not be construed to apply to zoological parks, performing animal exhibitions, or circuses.
- (b) No person shall keep or be permitted to keep any wild, exotic, or endangered animal as a pet.
- (c) For the purposes of this section, wild or exotic animal includes, but is not limited to, any member of the following families, including hybrids thereof, which, due to their inherent nature, may be considered dangerous to humans, and further defined as follows:
 - (1) Class Mammalia.
 - a. Order Artiodactyla (hippopotamuses, giraffes, camels, deer, not cattle or swine or sheep or goats).
 - b. Order Carnivora.

1. Family Felidae (lions, tigers, cougars, leopards, ocelots, servals, not domestic cats).
2. Family Canidae (wolves, coyotes, foxes, jackals, or hybrids of same, not domestic dogs).
3. Family Ursidae (all bears).
4. Family Mustelidae (weasels, skunks, martins, minks, not ferrets).
5. Family Procyonidae (raccoons, coatis).
6. Family Hyaenidae (hyenas).
7. Family Viverridae (civets, genets, mongooses, binturongs).

8. Family Teiidae (Argentine Black and White Tegus).

- c. Order Edentalia (anteaters, armadillos, sloths).
- d. Order Marsupialia (opossums, kangaroos, wallabies, not sugar gliders).
- e. Order Perissodactyla (rhinoceroses, tapirs, not horses or donkeys or mules).
- f. Order Primates (lemurs, monkeys, chimpanzees, gorillas).
- g. Order Proboscidae (elephants).

(2) Class Reptilia.

- a. Order Squamata.
 1. Family Varanidae (only water monitors and crocodile monitors).
 2. Family Iguanidae (only green iguanas and rock iguanas).
 3. Family Boidae (all species the adult length of which has the potential to exceed eight feet in length).
 4. Family Colubridae (only boomslangs and African twig snakes).
 5. Family Elapidae (such as coral snakes, cobras, mambas, etc.), all species.
 6. Family Natricidae (only keelback snakes).
 7. Family Viperidae (such as copperheads, cottonmouths, rattlesnakes, etc.), all species.
- b. Order Crocodilia (such as crocodiles, alligators, caimans, gavials, etc.), all species.

(3) Class Aves.

- a. Order Struthioniformes, Family Struthionidae (Ostrich), all species.
- b. Order Casuariiformes, Family Dromiceidae (Emu and Cassowary), all species.

- (d) For the purposes of this section, the term "endangered animal" means any animal or hybrid thereof that has been classified as endangered by the federal government **or South Carolina Department of Natural Resources.**

(Ord. No. 30-2004, § 4-5, 10-26-2004)

Sec. 10-6. - Prohibitions and restriction of animals in public places.

- (a) No owner, keeper or other person having control or supervision of an animal shall permit an animal, whether restrained or not, to be in an area in which a special event is being held pursuant to a special event permit issued or in a public park during organized play and/or practice under the ordinances of this Code.
- (b) Exceptions to this section shall include service dogs trained and identified by specialized equipment or other markings; police dogs on duty; and animals specifically noted in the special events application, i.e. petting zoos, pony rides, specific animal events in which the animal is entered or invited, etc.

(Ord. No. 47-2008, 11-25-2008)

Sec. 10-7. - Removal of feces from public and private property.

- (a) Any owner, keeper or other person having control or supervision of an animal must remove promptly all feces left by the animal on any street, sidewalk, parking lot, public park, school ground or on private property other than the premises of the owner or person having custody of the animal.
- (b) Feces may not be deposited in sewers or drains, whether storm or sanitary, but must be bagged and placed in a proper garbage receptacle established for public use or belonging to the owner of the animal.
- (c) Exceptions to this section are equines or other livestock participating in a special event permitted parade or other event.

(Ord. No. 47-2008, 11-25-2008)

Secs. 10-8—10-30. - Reserved.

ARTICLE II. - LIVESTOCK

Sec. 10-31. - Possession of livestock.

- (a) No person shall keep or be permitted to keep on his premises any animal defined as livestock for sale, hire, slaughter or other food source, competition, display or for exhibition purposes whether gratuitously or for a fee unless otherwise allowed by applicable zoning. This section shall not be construed to apply to zoological parks, equestrian parks, performing animal exhibitions, circuses, licensed pet stores or farm supply stores, the raising or keeping of domesticated female chickens, or animals in a legally permitted parade.
- (b) No person shall keep or be permitted to keep any livestock as a pet.
- (c) For the purposes of this section, livestock shall be construed to include cattle, horses, mules, asses, swine, potbelly pigs, sheep and goats, roosters, turkeys, ducks, guineas, pheasants, pigeons or other domestic fowl.

- (d) This section does not apply to livestock that was present upon property when it was annexed into the city. However, upon permanent removal of the existing livestock, no additional livestock may be placed upon the property unless otherwise allowed by applicable zoning.
- (e) Livestock shall be enclosed with adequate fences or barriers that will prevent such livestock from damaging adjacent property. Such fences or barriers shall be sufficient to prevent the livestock from escaping the enclosure.
- (f) It shall be unlawful for an owner to allow any livestock to run at large within the corporate limits of the city. To ensure the public safety and avoid serious traffic accidents, any livestock that is in danger of getting on a public roadway can be tranquilized if possible, or in extreme cases destroyed, by police or animal control officers. The city and its officers will not be held liable for damages to the owner of said livestock.
- (g) The foregoing provisions shall not prohibit the use of goats if the goats are being used to clear vegetation from land provided the property owner where the goats are to be located obtains a permit and business license from the City. The licensing official has the discretion to determine the location of the goats; the number of goats allowed; the timeframe for the use of the goats; and, whether adequate fencing or barriers are in place to prevent the goats from roaming to adjacent property.**

(Ord. No. 30-2004, § 4-9, 10-26-2004; Ord. No. 47-2008, 11-25-2008; Ord. No. 8-2014, 5-27-2014)

Sec. 10-32. - Raising or keeping of domestic female chickens.

- (a) *Compliance.* The keeping of domesticated female chickens shall be in compliance with the following, in addition to any zoning and/or building regulations that may be applicable to the construction of coops :
 - (1) No more than six domesticated female chickens shall be kept or maintained on a single premises. It shall be unlawful to keep roosters or more than six domesticated female chickens. It shall be unlawful to keep or maintain domesticated female chickens at a duplex or apartment complex.
 - (2) Such domesticated female chickens must be confined in a coop which is fully enclosed and made of suitable, washable material. The coop shall be cleaned regularly with all droppings and excretions placed in a fly-proof container unless otherwise disposed of in accordance with any federal, state or local health regulations.

The chicken coop must be located at least 50 feet from the nearest residence other than that of the owner.

No coop shall be placed in a front or side yard.

Failure to confine the domesticated female chickens, maintain the coop or manage the droppings and excretions in compliance with this section shall be unlawful.
 - (3) It shall be unlawful to raise domesticated female chickens for commercial purposes within the corporate limits of the city.

- (4) It shall be unlawful to keep domesticated female chickens on premises within the city without first obtaining a permit. Any permit would be subject to ordinance revisions adopted by council. Should council amend the ordinance to prevent domesticated female chickens or any other new conditions, such amendment would apply to current permits within 30 days from the date of adoption of council's revisions.
- (b) *Permit.* The permit to keep domesticated female chickens is personal to the permittee and may not be assigned. No permit shall be issued without the written consent of adjoining neighbors. In addition, the permit authorizes the keeping of domesticated female chickens only upon the property described in the permit. The permittee must occupy the residence on the property where the domesticated female chickens are kept as the permittee's personal, primary residence. An applicant for a permit must either own the property or have permission from the property owner to be eligible for a permit. Only one permit is allowed per permittee. In the event the permittee is absent from the property for longer than 30 days, the permit automatically shall terminate and become void.

A permit that is issued to a person whose property is subject to private restrictions that prohibit the keeping of domesticated female chickens is void. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.

(c) *Fenced chicken coop.*

- (1) Domesticated female chickens must be kept in a fenced enclosure at all times. In addition to the fenced enclosure, domesticated female chickens shall be provided with a covered, predator-resistant chicken coop.
 - (2) A minimum of two square feet per domesticated female chicken shall be provided for the chicken coop.
 - (3) Fenced enclosures and chicken coops must be properly ventilated, clean, dry, and odor-free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact.
 - (4) The chicken coop and fenced enclosure must provide adequate ventilation and adequate sun, shade and must be constructed in a manner to resist access by rodents, wild birds and predators including dogs and cats.
 - (5) Chicken coops shall be enclosed on all sides and shall have a roof and doors. Opening windows and vents must be covered with predator- and bird-resistant wire of less than one inch openings.
 - (6) All stored food for the domesticated female chickens must be kept either indoors or in a weather-resistant container designed to prevent access by animals. Uneaten food shall be removed daily.
- (d) *Application for permit.* Every applicant for a permit to keep domesticated female chickens shall:
- (1) Complete and file an application on a form prescribed by the city.
 - (2) The city shall issue a permit if the applicant has demonstrated compliance with the criteria and standards in this section.

- (3) A permit to keep domesticated female chickens may be suspended or revoked by the city where there is a risk to public health or safety or for any violation of or failure to comply with any of the provisions of any other applicable ordinance or law. Any denial, revocation or suspension of a permit shall be in writing and shall include notification of the right to and procedure for appeal.
- (e) *Penalty*. A violation of this section shall be punishable by a fine of \$100.00 or 30 days in jail or both together with court costs.

(Ord. No. 8-2014, 5-27-2014)

Secs. 10-33—10-60. - Reserved.

ARTICLE III. - CRUELTY AND ABUSE

Sec. 10-61. - Definitions.

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

Animal or *animals* includes all living vertebrate creatures except *Homo sapiens*.

Medical attention means obtaining veterinary care without delay if an animal is suffering from a disease condition or has been injured.

Shelter means shelter that reasonably may be expected to protect the animal from physical suffering or impairment of health due to exposure to the elements or adverse weather. The shelter must be of proper size for the animal in that the animal must be able to stand or lie in a normal manner while in the shelter; and must have at minimum a roof, four sides and a floor with adequate bedding material in cold weather and an opening for ingress and egress; and must provide the animal with adequate protection and shelter from the cold and heat and from the direct effects of wind, rain, snow and sun. Building surfaces which come into contact with animals in outdoor housing facilities must be impervious to moisture. Metal barrels, cars, refrigerators or freezers and the like must not be used as shelter structures.

Sustenance means an adequate amount, provided at suitable intervals, of wholesome foodstuff suitable for the animal's species and age, sufficient to maintain a reasonable level of nutrition to allow for proper growth and weight, and constant access to a supply of clean, fresh and potable water provided in a suitable manner for the species.

(Ord. No. 30-2004, § 4-15, 10-26-2004)

Sec. 10-62. - Acts of agents imputed to corporations.

The knowledge and acts of agents and persons employed by corporations in regard to animals transported, owned or employed by or in the custody of such corporation shall be held to be the acts and knowledge of such corporation.

(Ord. No. 30-2004, § 4-16, 10-26-2004)

State Law reference— Similar provisions, S.C. Code 1976, § 47-1-20.

Sec. 10-63. - Abuse of animals.

(a) *Prohibited.* It shall be unlawful if a person negligently or willfully:

- (1) Fails to provide adequate sustenance and/or fresh clean water for any animal he owns, possesses, or harbors;
- (2) Fails to provide adequate medical attention for any sick, diseased or injured animal he owns, possesses, or harbors;
- (3) Keeps any animal under unsanitary or inhumane conditions which are detrimental to the animal's health and general welfare or fails to maintain a condition of good order and cleanliness which reduces the probability of transmission of disease; or fails to provide a living area free of accumulated waste and debris so that the animal is free to walk or lie down without coming in contact with any waste or debris;
- (4) Teases, molests, or in any way bothers or harasses any animal;
- (5) Fails to provide permanent, clean shelter for an animal he owns, possesses, harbors, or encloses, wherein the animal can be protected from extremes of weather (heat, cold, rain, etc.) and allowed to remain dry and comfortable during inclement weather;
- (6) Conveys any type of animal in a motor vehicle or in a wagon or trailer pulled by a motor vehicle or in a truck or the back of a truck without having such animal reasonably secured so as to prevent the animal from leaping or being thrown from the vehicle or in such a way as to cause pain, suffering, unreasonable discomfort or death to the animal;
- (7) Places or confines an animal or allows an animal to be placed or confined in a motor vehicle under such conditions or for such a period of time as to endanger the health or well-being of such animal due to temperature, lack of food or drink, or such other conditions as may reasonably be expected to cause suffering, disability or death:
 - a. After making a reasonable effort to find the driver of a vehicle in which an animal is confined, the animal control officer, in the presence of a police officer, may use the least intrusive means to break and enter the vehicle if necessary to remove the animal where probable cause exists to believe that the animal is in the vehicle in violation of this subsection;
 - b. The animal control officer shall then impound the animal and leave in a prominent place on the motor vehicle a written notice of the animal's impoundment, a brief description of the animal, and where and when the animal may be reclaimed;
 - c. So long as an animal is within sight of the animal control officer or a police officer, this section shall not be interpreted to require that any warrant be obtained before removing the animal so long as such removal is otherwise consistent with the United States Constitution;
- (8) Fails to provide sufficient shade, when sunlight is likely to cause overheating and discomfort, that allows animals kept outdoors to protect themselves from the direct rays of the sun;

- (9) Keeps animals outdoors without access to shelter to allow them to remain dry and comfortable during inclement weather;
- (10) Inflicts unnecessary pain or suffering upon any animal, or fails to provide prompt medical attention to prevent suffering, or causes the same to be done, whether such person is the owner thereof or has the charge or custody of the same.

(b) Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, be fined in an amount not exceeding \$500.00 or be imprisoned for a period not exceeding 30 days, or be both so fined and imprisoned.

(Ord. No. 30-2004, § 4-17, 10-26-2004)

Sec. 10-64. - Confinement of animals.

- (a) No animal, including dogs, cats or other domestic pets shall be tethered as a means of permanent stationary confinement. **It shall be unlawful for a party to tether an animal while outdoors, except when all of the following conditions are met:**
 - (1) **The animal is in visual range of the responsible party and the responsible party is located outside with the animal.**
 - (2) **The animal is not tethered more than three (3) hours in any continuous twelve (12) hour period.**
 - (3) **The tether has the following properties:**
 - (i) **a minimum of 12 feet in length;**
 - (ii) **A swivel type termination at both ends;**
 - (iii) **the weight and material composition of the tether must be reasonable and suitable for a tethered dog as determined by the animal control officer; and,**
 - (iv) **Is fabricated of a material that prevents tangles.**
 - (4) **The animal is not outside during extreme weather, including, but not limited to, extreme heat, temperatures below 36 degrees Fahrenheit, snow, hail, tornadoes, thunderstorms, tropical storms or hurricanes.**
 - (5) **The animal is tethered so as to prevent injury, strangulation, or entanglement.**
 - (6) **The animal has access to water, food, and shelter.**
 - (7) **The animal is not tethered where any object may interfere or impede free movement of the tether.**
 - (8) **The animal is not sick or injured.**
 - (9) **The animal is not tethered in such proximity to any other tethered animal that would allow entanglement.**
 - (10) **The animal is not tethered on any property with an unoccupied dwelling including, but not limited to, abandoned or condemned buildings.**

(11) Any pulley, running line or trolley system to which a tether is attached shall be no less than 15 feet in length and no more than 7 feet above the ground.

(b) Any animals confined within a fenced yard **as a means of permanent confinement** must have an adequate space for exercise. Provided further that where animals are kept or housed on property without a fenced yard, the owner of such animals or persons having custody of such animals shall provide an enclosure for such animals. The animal shall be provided with shade and protection from the elements. Enclosures shall be maintained in a sanitary condition **and shall be at least 100 square feet in size**. Properly installed electronic dog-containment systems may be utilized provided the public is visually advised of its existence from the street and/or sidewalk.

(1) An animal shall not be considered enclosed by a fence or containment system or restrained when and if the animal can pass through, under or over the fence or the gate of the fence is not securely latched.

(2) An animal that can snap or bite a person through a fence or electronic containment system shall not be considered enclosed by the fence or restrained.

Persons found in violation of this section will, upon their first offense, be given a warning and allowed five days to meet the requirement of this section. If after the fifth day the violation continues, a citation shall be issued. Upon a repeat offense by the same person, any animals under their control found in violation of this section, under the discretion of the animal control officer, may be impounded and placed in a safe harbor until ordered by the court to be released. The owner of the impounded animal(s) shall be responsible for any costs associated with the animal's placement.

This section does not apply to walking an animal on a hand-held leash.

(Ord. No. 47-2008, 11-25-2008)

Editor's note— Ord. No. 47-2008, adopted Nov. 25, 2008, repealed § 10-64 and enacted a new § 10-64. Formerly, § 10-64 pertained to tethering of animals and derived from Ord. No. 30-2004, § 4-18, adopted Oct. 26, 2004.

Sec. 10-65. - Pet shops.

Animal control officers shall have the authority to conduct inspections of pet stores, to the extent not preempted by state law, in order to determine if there is any abuse of animals. Abuse of animals shall include any act described in this article or any other act that is detrimental to the well-being of the animal. It shall be unlawful for any pet store employee or pet store owner to violate this section.

(Ord. No. 30-2004, § 4-19, 10-26-2004)

Sec. 10-66. - Striking an animal with a vehicle.

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

- (b) It shall be unlawful for any person injuring or killing a domestic animal by striking it with an automobile or other vehicle, intentionally or accidentally, to fail to notify the police department as soon as possible after the incident.

(Ord. No. 30-2004, § 4-20, 10-26-2004)

Sec. 10-67. - Arrest for violation of article; care of animal after such arrest.

- (a) Any person violating this article may be arrested and held without warrant, in the same manner as in the case of persons found breaking the peace. If the animal is not owned by the person arrested, the person making the arrest, with or without warrant, shall use reasonable diligence to give notice thereof to the owner of the animal found in the custody of the person arrested, and shall properly care and provide for such animals until the owner thereof shall take charge of the same; provided, however, the owner shall take charge of same within five days from the date of such notice. If the owner fails to take charge of the animal on the sixth day following such notice, **or on the sixth day following the exercise of reasonable diligence to locate or notify the owner**, ownership of the animal is converted to the city and it may be disposed of by delivery to a county humane society ~~or euthanasia if determined to be in the best interests of the animal.~~
- (b) The owner of the animal shall be responsible for expenses incurred by the city for the care and provision of the animal during any portion of the five days of custody. When the person arrested is not the owner of the animal, the owner may request restitution from the arrested person through the court.
- (c) When an animal is seized by the animal control officer due to a violation of this article at the hands of the animal's owner or with the knowledge and/or permission of the owner, the animal will remain impounded by the animal control officer until otherwise directed by the court. The owner of the animal shall be responsible for expenses incurred by the city for the care and provision of the animal during its impoundment.
- (d) If the animal is injured or terminally ill from violations of this article to an extent that in the opinion of a licensed veterinarian the animal will not recover to a functional level or the animal is suffering beyond the point of relief by veterinary care, the animal may be humanely euthanized by a licensed veterinarian with no civil or criminal liability to the veterinarian, animal control officer or the city.

(Ord. No. 30-2004, § 4-21, 10-26-2004)

State Law reference— Similar provisions, S.C. Code 1976, §§ 47-1-130, 47-1-140.

Secs. 10-68—10-100. - Reserved

ARTICLE IV. - DOGS

Sec. 10-101. - Running at large.

The running at large of all dogs in the city is hereby prohibited. Any person or persons owning, keeping, possessing or harboring any dog or dogs in the city who shall suffer or permit

the running at large in the city of any such dogs, whether licensed or unlicensed, wearing a registration tag or without a tag, shall be guilty of a violation of this article. **For purposes of this Section, the term *Running at large* means 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.**

(Ord. No. 30-2004, § 4-26, 10-26-2004)

State Law reference— Allowing dogs to run at large, S.C. Code 1976, § 47-3-50.

Sec. 10-103. - Seizure, impoundment, reclaiming and destruction procedures.

- (a) A police officer, animal control officer, or any person appointed for the purpose by the city shall take into custody and impound or cause to be taken into custody and impounded, and thereafter disposed of as provided herein, any dog running at large in the city or any dog within the city not wearing a current and proper registration tag. This shall include any dog off the premises of the owner or the person keeping or harboring such dog. ~~unless such dog is restrained on a leash as provided in section 10-102.~~
- (b) Any dog impounded by the city shall be detained for a period of five days for redemption by the owner. If such dog is not redeemed by the owner within such period of five days, it **will be** turned over to a county humane shelter or euthanized in a humane manner by a licensed veterinarian if deemed to be in the best interests of the animal. When the name and address of the owner appears on the collar of the dog, the city shall attempt to notify such owner in person within two days of the time the dog was seized.
- (c) Any owner or the person keeping or harboring a dog which has been impounded, with the exception of a dog abused by the owner or a dog impounded as dangerous, may claim the dog upon paying the sum of \$50.00 during the first day of detention and thereafter the sum of **\$20.00** for each subsequent day of detention, **and** restitution for any and all veterinarian services necessary for the health and well-being of the animal while in the custody of the city. Dogs abused by their owner or impounded as dangerous can only be released to the owner by the court following adjudication of the case.
- (d) No animal in possession of the city shall be donated or sold to any laboratory or research facility.

(Ord. No. 30-2004, § 4-28, 10-26-2004)

State Law reference— Impoundment of strays, S.C. Code 1976, § 47-3-40; disposition of strays, S.C. Code 1976, § 47-3-60; duty to contact owners, S.C. Code 1976, § 47-3-55.

Sec. 10-104. - Dangerous dogs.

- (a) It shall be unlawful for a **dangerous dog as defined below** to remain at large. Animal control officers shall have the authority to enter upon private property, including entry into a dwelling

unit or other similar building, when the animal control officer has **either** observed a dog **commit acts that fall under the definition of a dangerous dog set forth herein or receives credible information that the dog committed that fall under the definition of a dangerous dog** and impound the dog until directed otherwise by the court. Such entry upon private property shall not be deemed to be a trespass. **The consent of the animal owner or the lawful occupant of the premises is not necessary to seize the attacking animal. No warrant shall be required under these circumstances, and it shall be unlawful to resist or interfere with the animal control officer or police officer in taking such action.**

The owner or keeper of the dog shall be liable to the city for costs and expenses of impounding the dog at \$20.00 per day for upkeep and any and all veterinarian expenses necessary for the health and well-being of the dog while in the custody of the city. It shall be unlawful for any person to interfere with, to threaten or to otherwise prevent an animal control officer from carrying out and performing his lawful duties under this section.

- (b) It shall be unlawful for any person to own, keep, have charge of, shelter, harbor, or take care of any dangerous dog within the city limits. A dangerous dog is defined as any dog **with a propensity or inclination to attack unprovoked, or** which attacks a person, domestic animal or domesticated dog or cat and causes physical injury or death when unprovoked, or poses a serious threat of harm or endangers the safety of persons, domestic animals or domesticated dogs or cats, or is owned or harbored for the purpose of dogfighting, or is trained for the purpose of dogfighting, or has engaged in dogfighting activities, or is tormented, badgered, baited, trained, or encouraged to engage in unprovoked attacks upon persons, domestic animals or domesticated dogs or cats. The definition of a dangerous dog is not breed-specific.
- (c) Police or military dogs owned by law enforcement agencies or military facilities which are trained to restrain people in the line of duty are exempt from this article.
- (d) A dog shall not be declared dangerous if the threat, injury or damage was sustained by a person who at the time was committing an offense upon the property of the owner of the dog, or was tormenting, abusing or assaulting the dog or has in the past been observed or reported to have tormented, abused or assaulted the dog. A dog shall not be declared dangerous if it threatens or attacks while in distress from injury or illness or is protecting its young. The animal control officer shall make the determination of whether a dog is dangerous based upon the above definition.
- (e) **If the animal control officer determines that an animal is a dangerous dog as defined above, the animal control officer shall notify the owner or keeper immediately in writing, if the owner or keeper is known. The owner or keeper shall turn the animal over to the animal control officer immediately after the notification. If the owner or keeper fails to promptly surrender the animal, such person may be arrested for a violation of this section and the animal shall be seized pending trial. Upon final determination or**

conviction under this section, the animal control officer may dispose of the animal by delivery to a county human society.

- (f) The consent of the animal owner or the lawful occupant of the premises is not necessary to seize the attacking animal. No warrant shall be required under these circumstances, and it shall be unlawful to resist or interfere with the animal control officer or police officer in taking such action.
- (g) Upon taking custody of the animal, the animal control officer shall provide to its owner a written notice of the basis for the seizure, shall arrange for the animal's humane custody and confinement pending a hearing before the municipal judge, and shall notify the animal owner as soon as feasible of the expected hearing date, which shall be no later than five days from the date of seizure, unless the municipal judge shall determine there is compelling reasons to extend the date. Leaving the written notice reasonably secure at the front or primary entrance to the house or structure on the property where the animal is seized, shall be sufficient delivery to the owner if the owner is not present or if the owner's location cannot be determined.
- (h) At the hearing the animal control officer or police officer, or other representative of the city, shall present evidence, if any, that the animal presents a clear and imminent threat to public safety and that the on-premises facilities for confining the attacking animal, if any, are not reliably sufficient to restrain the animal or to prevent its release by persons choosing to do so. The animal owner shall be afforded an opportunity to rebut the evidence.
- (i) If the judge finds that the animal is a dangerous dog as defined herein, then the judge shall order that the animal shall be banned from the city, regardless of the confinement precautions otherwise in place, and the judge shall order the animal removed from the city, or destroyed, and if the animal is to be removed from the city then precautions against its re-entry shall be established to the full extent feasible. If the animal is not destroyed or removed as ordered by the judge, then it shall be a violation of this Code to possess the animal or to allow it to run at large, and each day of a continuing violation shall be a separate violation, punishable as otherwise provided for under this Code.
- (k) A person found guilty of violating this section shall pay, **in addition to the applicable fine**, all expenses, including, but not limited to, shelter, food, veterinary expenses for boarding and veterinary expenses necessitated by the seizure of an animal for the protection of the public, medical expenses incurred by a victim, human or animal, from an attack by a dangerous dog and other expenses required for the destruction of the animal. No portion of the fines or imprisonment established for violation of this section may be suspended or remitted.

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(Ord. No. 30-2004, § 4-31, 10-26-2004)

Sec. 10-105. - Minimum standards required for keeping three ~~or more~~ dogs outside.

- (a) *Kennel standards.* Any person owning, maintaining, keeping or harboring three dogs outside, whether for pleasure, exhibition, breeding or profit, upon his premises, shall provide a kennel facility in conformity with the minimum standards set forth in this section.
- (1) *Proximity of residences.* No person shall operate such a facility with three runs within 100 feet of the residence of another. ~~No person shall operate such a facility with more than three runs within 200 feet of the residence of another.~~ A site plan must be submitted **and approved by the building codes office** showing the following:
- Property acreage;
 - Location and size of all existing and proposed physical improvements to be used for the facility with measurements and the number of dogs to be contained in each structure or enclosed area;
 - Identification and dimensions for any existing or proposed outdoor or indoor runs and exercise area also describing intended surfaces;
 - Location of any existing wells or sewage treatment areas on site; and
 - Location of any water features on site (wetlands, streams, ditches, lakes). A wetland determination may be requested by the city as part of the application.
- (2) *Fence.* A link wire fence enclosing the whole area to be used shall be erected with adequate safeguards against burrowing. It shall be not less than six feet in height.
- (3) *Units.* Separate units shall be provided for each dog with an adequate exercise run, minimum of 100 square feet, including adequate shelter against the elements. Each unit shall have a concrete floor or similar surface with provision being made for proper drainage. Any such surface shall be sealed against moisture. Each unit shall be so designed as to be fully accessible for cleaning.
- (4) *Water.* Water shall be available at the kennel facility and be provided for each unit.
- (5) *Cleanliness, etc.* Each unit shall be thoroughly cleaned daily and all necessary and reasonable safeguards shall be taken to prevent odors, infestation and any unsanitary conditions.
- (b) *Temporary caretakers/foster homes.* This section shall not apply to persons who are associated with a recognized rescue group and **who** are registered with animal control as temporary caretakers/foster homes for animals. **Registration with animal control must occur prior to receiving animals as part of a temporary caretaker/foster home for animals.** Dogs kept

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by temporary caretakers/foster homes must be kept in a fenced enclosure and in a fashion that complies with all other sections of this chapter. A maximum of three dogs may be kept in such temporary/foster status.

(Ord. No. 30-2004, § 4-32, 10-26-2004; Ord. No. 47-2008, 11-25-2008; Ord. No. 11-2009, 6-9-2009)

Sec. 10-106. - Permit.

No kennel facility shall be constructed or operated without an application having been made to the building and development standards department for a permit. No permit shall be issued to a rental unit without the written and notarized consent of the owner/management company. No permit shall be issued, except a temporary permit for construction, until a final inspection is made by the building and development standards department and the animal control officer. An annual inspection may be conducted by the animal control officer to verify compliance.

(Ord. No. 30-2004, § 4-33, 10-26-2004; Ord. No. 11-2009, 6-9-2009)

Sec. 10-107. - Applicability to dogs under two months of age.

Puppies under the age of two months shall not be included in the total number of dogs under this article. The breeding of dogs for financial gain, regardless of the number of breeding animals, shall require a city business license.

(Ord. No. 30-2004, § 4-34, 10-26-2004)

Sec. 10-108. - Abandonment of animals

No owner or keeper shall abandon an animal. An animal shall be considered abandoned when deserted, forsaken, or given up without providing adequate food, water and sanitary shelter for 48 hours or longer. No person shall leave or cause to be left any wounded, diseased or infirm animal on a street, alley, lot or commons to die. If an animal is found abandoned by its owner or keeper, the animal control officer may take custody and impound the animal. The animal control officer may enter private property to provide food and water for an animal during the 48 hours. If the animal's life is in imminent danger due to abandonment, the animal control officer shall immediately take custody of the animal. The endangered animal shall be placed in the care of a licensed veterinarian, who will determine the best course of treatment for the animal up to and including humane euthanasia. The animal shall be kept for not less than five days. After five days, the animal may be given over to a humane society or humanely euthanized by a licensed veterinarian if deemed to be in the best interest of the animal.

(Ord. No. 30-2004, § 4-39, 10-26-2004)

Sec. 10-109. - Dogs in estrus.

All female dogs in season shall be kept inside a building or within a fence or other enclosure which limits the dog to a particular confined area so that the dog cannot come into contact with a male dog except for planned breeding. Persons who plan the breeding of dogs and the selling of the resulting puppies must obtain a city business license.

When allowed outdoors to relieve itself, a female dog in season shall be on a hand-held leash and under the observation of its owner or keeper and must remain on the property of the owner or keeper. Female dogs in season are not permitted to be walked on any public roadway or property.

(Ord. No. 47-2008, 11-25-2008)

Secs. 10-110—10-150. - Reserved.

ARTICLE V. - RABIES CONTROL

Sec. 10-151. - Inoculation required.

Every owner or person having the custody or possession of an animal that by genus is susceptible to rabies (i.e., dogs, cats, ferrets) ages four months or older shall maintain a current rabies inoculation for said animal. Evidence of such inoculation shall consist of a certificate signed by a licensed graduate veterinarian or the duly authorized person administering the vaccine. This certificate shall be in a form prepared and issued by the state board of health, and no other certificate shall be used. The veterinarian may stamp or write his name and address on such certificate. One copy of the certificate shall be given to the owner, one filed with the county health department and one retained by the person administering the vaccine. Coincident with the issuance of the certificate of inoculation, the licensed graduate veterinarian, the rabies control officer or one of his assistants shall also furnish a serially numbered metal tag bearing the same number and year as the certificate. The metal tag, when issued by the licensed graduate veterinarian, shall bear the name of such veterinarian. The metal license tag shall at all times be attached to a collar or harness worn by the pet for which the certificate and tag have been issued; provided, however, that cats and ferrets shall not be required to wear a collar and the tags issued under this section unless allowed to roam outdoors, although the cat or ferret must be inoculated as provided in this section. Fees collected by veterinarians shall be their compensation.

(Ord. No. 30-2004, § 4-46, 10-26-2004)

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State Law reference— Similar provisions, S.C. Code 1976, § 47-5-60.

Sec. 10-152. - Reporting pets suspected of having rabies.

It shall be the duty of each owner or person having control of any pet, when such pet is suspected of being affected with rabies, to report such fact to the animal control officer at once, whereupon such treatment or disposition of such pet shall be determined and made by the animal control officer.

(Ord. No. 30-2004, § 4-47, 10-26-2004)

State Law reference— Notice to health department of animals possibly infected with rabies, S.C. Code 1976, § 47-5-80.

Sec. 10-153. - Quarantine of pets biting people.

Whenever it is shown that any pet without current rabies vaccination has bitten any person, it shall be impounded and quarantined by the animal control **as determined by the animal control** officer for a period of ten days. If the pet has a current rabies vaccination, it may be securely confined and quarantined for a period of ten days in the custody of the owner **unless otherwise determined by the animal control officer**. The animal control officer will make an inspection or examination thereof at any time during the ten days.

(Ord. No. 30-2004, § 4-48, 10-26-2004)

Secs. 10-154—10-180. - Reserved.

ARTICLE VI. - BIRD SANCTUARY^{[11](#)}

Footnotes:

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

Sec. 10-181. - Area encompassed.

The entire area within the city is hereby designated and established as a bird sanctuary.

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(Ord. No. 30-2004, § 4-111, 10-26-2004)

Sec. 10-182. - Protection of birds.

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

(Ord. No. 30-2004, § 4-112, 10-26-2004)

Secs. 10-183—10-210. - Reserved.

ARTICLE VII. - CATS

Sec. 10-211. - Definitions.

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

Cat means every cat, regardless of sex or age.

~~*Feral cat* means a cat, regardless of sex or age, that is unowned, free-roaming, and not interactive with humans.~~

~~*Feral cat colony* means a group of feral cats that have been trapped, neutered or spayed, and released back into the area from which they were taken.~~

~~*Feral cat colony caretaker* means a person who is associated with a recognized animal rescue group and has registered the colony with animal control, who provides sustenance, water and care for a feral cat colony.~~

Nuisance cat means any cat that unreasonably annoys humans, endangers the life or health of other animals or persons, or substantially interferes with the rights of citizens, other than their owners, to enjoyment of life or property.

Owner means every person having a right of property in a cat, or who keeps or harbors a cat, or who has a cat in his care, or who acts as a custodian of a cat or who permits a cat to remain in or about premises occupied by him.

(Ord. No. 30-2004, § 4-116, 10-26-2004)

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Sec. 10-212. - Limitations on keeping cats.

- (a) No owner of any cat shall allow the animal to freely roam out of doors unless it has been spayed or neutered. The owner of each spayed or neutered cat shall keep a record for each cat from a duly licensed veterinarian containing a description of the cat, the name of the owner and the date on which the spaying or neutering took place. ~~Cats allowed to roam out of doors shall be required to wear a collar, designed to release the cat should it become entangled or trapped by the collar, containing the owner's identification information and proof of current rabies vaccination.~~ It shall be unlawful for any person to own, keep, hold, board or harbor more than **three** adult cats that are allowed to freely roam out of doors. An adult cat is described as a cat over the age of four months.
- (b)
- (c) It shall be unlawful for any person to own, keep, hold, board or harbor any cat four months of age or older in the city unless such cat has a current rabies vaccination. Any person bringing a cat which does not have a current rabies vaccination into the city from another jurisdiction shall be required to comply with this section within 15 days subsequent to bringing such cat into the city.
- (d) The breeding of cats for financial gain, regardless of the number of breeding animals, shall require a city business license.

(Ord. No. 30-2004, § 4-117, 10-26-2004)

Sec. 10-213. - Nuisance cats.

It shall be unlawful for any person to permit any cat they own, keep, hold, board or harbor to:

- (1) Damage the property of anyone other than its owner.
- (2) Enter the property of anyone other than its owner and kill or maim domestic animals or wildlife.
- (3) Excessively make disturbing noises, including, but not limited to, continued and repeated caterwauling, howling, whining, or other utterances causing unreasonable annoyance, disturbance or discomfort to neighbors or others.
- (4) Foul the air with odor and thereby cause unreasonable annoyance or discomfort to neighbors or others near to the premises where the cat is kept or harbored.
- (5) Cause unsanitary conditions in enclosures or surroundings where the cat is kept or harbored.

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- (6) Be offensive or dangerous to the public health, safety or welfare by virtue of the number and/or types of cats maintained.

(Ord. No. 30-2004, § 4-118, 10-26-2004)

Sec. 10-214. - Trapping of nuisance cats.

The owner of property on which ~~feral~~ nuisance cats are present may request a live trap from animal control in which to trap and remove the nuisance cat. The live trap must be inspected at minimum once every 12 hours by the person who requested the trap and animal control or the police department contacted immediately upon the trapping of the animal. At no time may a trapped animal remain in a live trap more than six hours and the trapped animal may not be left in an inhumane condition or position such as adverse weather conditions or where it cannot defend itself from dangerous animals. Traps will not be placed when the animal control officer will be unavailable to pick it up the next day, i.e. weekends, holidays and when the animal control officer will be off duty.

(Ord. No. 30-2004, § 4-119, 10-26-2004; Ord. No. 47-2008, 11-25-2008)

Section 10-215. – Nuisance Animals.

- (a) **The actions of an animal constitute a public nuisance when an animal disturbs the rights of, threatens the safety of, or injures a member of the general public, damages property, or interferes with the ordinary use and enjoyment of the property of others in the vicinity of where the animal is kept or properties affected by its running at large.**
- (b) **It shall be unlawful for any person to own, keep, possess or maintain an animal in 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 keeper are hereby declared to be a public nuisance and are, therefore, unlawful:**
- (1) Allowing or permitting an animal to damage the property of anyone other than its owner or keeper, or to impede the property's ordinary use and enjoyment, even if the property is not physically damaged.**
 - (2) Maintaining an animal that habitually or repeatedly chases, snaps at or attacks persons, bicycles or vehicles, or maintaining any animal whose behavior constitutes a reasonable risk of injuring a human or other animal.**
 - (3) Maintaining property in a manner which results in an environment of unsanitary conditions causing offensive odors, filth, vermin or disease; or is dangerous to the**

animal or the public health, safety or welfare of the community because of the number, type, variety, density or location of the animals on the property.

- (4) Allowing or permitting an animal to bark, whine, howl, crow or cackle in an excessive, continuous or unreasonable fashion, or to make other noise in a manner so as to result in a serious interference with the reasonable use and enjoyment of neighboring premises.
- (c) Upon the receipt of two written and signed complaints from separate households in close proximity to the offender, that a person is violating the provisions of this section, the animal control officer or other appropriate law or code enforcement officer shall investigate the complaint. If the investigation determines that the complaint is justified, the animal control officer or other appropriate law or code enforcement officer shall notify the owner or keeper of the animal, in writing, to correct the violation. The animal control officer shall have the discretion to respond by investigation to other types of complaints that a person is violating this section.
- (d) Should the owner or keeper of any animal found to be in violation of this section fail to correct the violation after ten days of the date of notice, the animal shall be impounded and the owner or keeper shall be subject to the penalties for violations provided in this chapter.

Section 10-216 – Penalty. Unless provided otherwise herein, any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, be fined in an amount not exceeding \$500.00 or be imprisoned for a period not exceeding 30 days, or be both so fined and imprisoned.

This ordinance shall be effective immediately upon second reading approval hereof.

CITY OF GREER, SOUTH CAROLINA

Richard W. Danner, Mayor

ATTEST:

Tammela Duncan, Municipal Clerk

Introduced by: Councilmember Jay Arrowood

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(Supp. No. 12)

First Reading: October 12, 2021
Second and
Final Reading: January 11, 2022

Approved as to Form:

Daniel R. Hughes, City Attorney

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(Supp. No. 12)