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GENERAL PROVISIONS

§ 55.01 DEFINITIONS.

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

1. **ABANDONMENT.** A situation in which an owner or keeper does not transfer ownership, deserts, forsakes, and intends to give up absolutely an animal without securing another owner or without providing for adequate food, water, shelter, care, or humane disposal of an animal.
2. **ADEQUATE SHELTER.** A shelter is an enclosed, weatherproof structure that is manufactured or constructed expressly for housing a dog or cat 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 (S.C. Code § 47-1-10). It must be accessible to an animal and be of sufficient size and nature so as to provide the animal with adequate protection from the sun, heat, cold, or rain, and it must be elevated off the ground of sufficient height to keep water, snow, or ice from entering and allow the animal to remain comfortable in outside conditions. Examples of unacceptable shelter include, but are not limited to: underneath or inside motor vehicles, garbage cans, cardboard boxes, plastic or metal barrels, animal transport crates or carriers, under houses, structures, decks, outside steps or stoops.
3. **ANIMAL.** A living vertebrate creature except a homo sapien.
4. **ANIMAL CONTROL OFFICER.** A person employed by the county as an enforcement officer for the provisions of this chapter; provided, however that no animal control officer shall have the power or authority to issue an ordinance summons unless commissioned as a code enforcement officer as provided in S.C. Code § 4-9-145, as amended.
5. **ANIMAL RESCUE GROUP.** An unincorporated or nonprofit organization existing for the purpose of prevention of cruelty to animals and whose purpose is to rescue and rehome animals that cannot be adopted by the animal shelter due to medical, behavioral,

holding time limits or other reasons as determined by Animal shelter personnel as provided in S.C. Code § 47-3-60.

6. ANIMAL SHELTER. Any premises so designated by County Council for the purpose of impounding or harboring, caring for, adoption or euthanasia of seized, stray, homeless, abandoned or unwanted dogs and cats.
7. AT LARGE. Any domestic or domesticated animal is deemed to be running "at large" when it is off the property of its owner and not under physical restraint or control of the owner or keeper by means of a leash, cage or other effective device which restrains and controls the animal.
8. CAT. A domestic feline of either sex.
9. DANGEROUS ANIMAL.

(A) "dangerous animal" means an animal of the canine family:

(1) which the owner knows or reasonably should know has a propensity, tendency, or disposition to attack unprovoked, cause injury, or otherwise endanger the safety of human beings or domestic animals;

(2) which:

(a) makes an unprovoked attack that causes bodily injury to a human being and the attack occurs in a place other than the place where the animal is confined as required by Section 55.20; or

(b) commits unprovoked acts in a place other than the place where the animal is confined as required by Section 55.20 and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to a human being;

(3) which is owned or harbored primarily or in part for the purpose of fighting or which is trained for fighting.

(B) "Dangerous animal" does not include:

(1) an animal used exclusively for agricultural purposes; or

(2) an animal which attacks a person who is trespassing or who appears to be trespassing. A trespasser is a person who is not lawfully upon the premises of the owner, as set forth in S.C. Code Ann. Section 47-3-770(A), incorporated herein.

(C) An animal is not a "dangerous animal" solely by virtue of its breed.

(D) As used in this Title "owner" means a person who owns or has custody or control of the animal.

(E) As used herein, "injury" or "bodily injury" means (1) broken bones, (2) lacerations, (3) punctures of the skin, or (4) any physical injury resulting in death.

10. DOG. A domestic canine of either sex.

11. EXPOSURE TO RABIES. The circumstance in which any person or animal has been bitten by or exposed to any animal known or suspected to have been infected with rabies. This determination shall be made by the health department, animal control officer or a licensed veterinarian.

12. KEEPER. Any person feeding, harboring, sheltering, having charge of or taking care of any animal for such a period of time as to constitute responsibility for that animal.

13. LIVESTOCK. All classes and breeds of animals, domesticated or feral, raised for use, sale, or display. (S.C. Code § 47-4-20)

14. OWNER. A person 18 years or older who:

- a. Has a property interest in an animal;
- b. Keeps or harbors an animal or who has an animal in the person's care or acts as its custodian;
- c. Permits an animal to remain on or about any premises occupied by the person;
or
- d. Provides care, shelter, or nutrition to an animal or group of animals, excepting such care, shelter, or nutrition provided on a temporary basis until such time as an animal control officer or rescue group representative can retrieve the animal/group of animals.

15. PERSON. an individual, a trust, a firm, a joint stock company, a corporation including a government corporation, a partnership, an association, a municipality, a commission, or a political subdivision of this or another state. (S.C. Code § 47-4-20)

16. PUBLIC NUISANCE. Any animal making loud or objectionable sounds, chasing vehicles or pedestrians, damaging property other than that of the owner or behaving in a manner which disturbs the rights of, threatens the safety of or injures a member of the general public, carries a communicable disease dangerous to other animals or humans; or has a

known history of biting or attacking people or other animals or any person maintaining property that is offensive, annoying or dangerous to the public health, safety or welfare of the community because of the number, type, variety, density or location of the animals on the property.

17. RESTRAINT. The act of keeping an animal, which is under the immediate physical control of a person capable of restraining the animal, by means of a collar, and leash, or by passive means of control, such as by a fence, kennel, or other confinement device.
18. SECURE ENCLOSURE. Any fenced or otherwise enclosed area suitable for properly restraining an animal and for prohibiting that animal from coming into contact with people and/or other animals.
19. SPAYED FEMALE. Any female dog or cat which has been surgically sterilized by a licensed veterinarian to eliminate reproduction. (Ord. 1009, passed 2-2-09)
20. STRAY. Any domestic or domesticated animal found wandering at large or abandoned in the public ways or on the lands of any person other than its owner. (S.C. Code § 47-7-10)
21. SUSTENANCE. Adequate food provided at suitable intervals of quantities of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition to allow for proper growth and weight. (S.C. Code § 47-1-10)
22. TETHER. A chain, rope, leash, cable, or other device that attaches to a single stationary point.
23. "VICIOUS DOG" means any dog evidencing an abnormal inclination to attack persons or animals without provocation. This definition is not mutually exclusive of the definition of "Dangerous Animal."
24. WATER. Adequate water provided with constant access to a supply of clean, fresh, and potable water provided in a suitable manner for the species. (S.C. Code § 47-1-10)

REGULATIONS

§ 55.15 ENFORCEMENT.

1. The provisions of this chapter shall be enforced in the unincorporated areas of York County, and any municipal area adopting the provisions, mutatis mutandis.
2. Animal Control Officers are appointed and commissioned by the York County Council to enforce all sections under this chapter and any other applicable state law and may exercise their powers on all private and public property within the unincorporated area of York County. (S.C. Code Ann. § 4-9-145)

3. Animal Control Officers who are commissioned by the County Council are authorized and empowered to issue written warnings or uniform ordinance summons to enforce any section of this chapter in the unincorporated area of York County. Any violator of this chapter may also be charged under any relevant state law under S.C. Code Title 47.
4. No person shall interfere with, hinder or molest any Animal Control Officer in the execution of that officer's duties or release or take out of impoundment any animal from an animal control vehicle, animal trap, cage or the animal shelter
5. Nothing in this chapter shall be construed to prevent sheriff's deputies or law enforcement officers of any kind from enforcing any of the sections of this chapter or from exercising their authority as law enforcement officers.
6. Any duly appointed official empowered to enforce this chapter shall have the authority to destroy any animal which appears to pose a threat to and endanger the official's safety or the safety of other persons, animals or livestock.
(Ord. 1009, passed 2-2-09)

§ 55.16 PUBLIC NUISANCE ANIMALS.

1. It shall be unlawful for any person to keep any animal that is a public nuisance as defined in this chapter upon their premises or on the premises of another.
(Ord. 1009, passed 2-2-09)

§ 55.17 RABIES CONTROL.

1. The following rules and regulations concerning rabies control shall apply to the areas of the county that have been placed under the jurisdiction of this chapter:
 - a. Whenever a dog or cat is affected by rabies or suspected of being affected by rabies or has been bitten by an animal known or suspected to be infected with rabies, the owner or keeper of the dog or cat or any person having knowledge thereof shall forthwith notify the animal control officer or the health department stating precisely where the animal may be found;
 - b. The animal control officer shall immediately inform the health department upon receipt of any information concerning an animal bite or a possible animal bite;
 - c. The animal control officer, in conjunction with the health department, shall arrange for the supervised confinement of any dog or cat which has bitten a person. The confinement may be on the premises of the owner if the owner will sign a DHEC agreement assuming total responsibility for the safe confinement of

the pet or other animal or the confinement may be at the county animal shelter with the current impoundment and boarding fees charged, or the dog or cat may be confined at a private animal shelter or a veterinary hospital at the owner's expense;

- d. Any dog or cat which has bitten a person must be confined for a period of at least ten days. The health department or the animal control officer shall be permitted by the owner or keeper of the dog or cat to examine the same at any time and daily if desired within the ten-day period of confinement to determine whether the animal shows symptoms of rabies. No person shall obstruct or interfere with the animal control officer or the health department in making the examination;
- e. In the case of an animal other than a dog or cat which has scratched or bitten a person, the health department shall serve notice upon the owner of that animal that the owner shall have the animal euthanized immediately and have the brain submitted for rabies examination;
- f. The health department shall serve notice in writing upon the owner of a dog, cat or other animal known to have been bitten by an animal known or suspected of being affected by rabies requiring the owner to confine the animal for a period of not less than six months except that animals properly treated with anti-rabies vaccine shall be confined for a period of not less than three months;
- g. No person shall kill, or cause to be killed any dog, cat or other animal, that is suspected of having been exposed to rabies or which has bitten a person, nor remove the animal from the jurisdiction of the county without written permission of the health department. An exception to the preceding requirement is in any circumstance in which there exists the possibility of the animal escaping or being involved in an additional biting incident in which case the animal is to be killed and the health department notified immediately.
(Ord. 1009, passed 2-2-09)

§ 55.18 DISPLAY OF RABIES INOCULATION TAG.

1. The following rules and regulations governing the inoculation of dogs and cats shall be applicable:
 - (A) Every owner of a dog or cat shall have the animal inoculated against rabies and require the animal to wear a rabies vaccination tag on a collar or harness.
 - (B) A State Board of Health certificate of animal rabies vaccination will be issued by a licensed veterinarian for each animal stating the name and address of owner, the name, breed, color and markings, age and sex of the animal and the veterinary or pharmaceutical control number of the vaccination. One copy of

the certificate shall be given to the owner, and one copy shall be retained by the person administering the vaccine.

- (C) With the issuance of the certificate, the veterinarian shall also furnish the owner with a serially numbered metal rabies vaccination tag bearing the same number and year as the certificate. The metal rabies vaccination tag shall bear the name of the veterinarian who administered the vaccination.
- (D) The rabies vaccination tag issued by the veterinarian shall at all times be attached to a collar or harness worn by the animal for which it was issued and any animal not having a proper rabies inoculation license tag attached may be subject to impoundment.
- (E) The owner shall have a valid certificate of rabies immunization readily available for inspection by competent authority.
- (F) In the event that a rabies vaccination tag is lost, the owner will obtain a duplicate tag without delay.
- (G) A certificate of rabies immunization issued by a licensed veterinarian from another state will be accepted as valid evidence of inoculation provided it is less than one year old. (Ord. 1009, passed 2-2-09)

§ 55.19 RESTRAINT REQUIREMENTS.

1. The owner or keeper of every animal shall keep the animal under restraint at all times. If a responsible adult is physically outdoors with their animal on the property where the owner of the animal resides and the animal is under the owner's direct control and is obedient to the owner's commands, this section shall not apply during the duration of the time the animal is under the control of that person.
2. When a tether is utilized as a primary means of restraint, a responsible adult must be physically outdoors with their animal, and the animal must be under the owner's direct control. The tether must be at least ten feet in length, have swivels on both ends, and allow the animal to utilize the entire 360 degree circular area designated by the tether. The tether must allow the animal free access to food, water and shelter.
3. Any tether must be attached to a properly fitting collar or harness worn by the dog and shall weigh no more than 10% of the dogs estimated body weight.
4. Tethering does not refer to periods when a dog is walked on a leash or restrained on a trolley system (§ 55.01.22). The primary usable trolley runner line must be suspended at least three feet above the animals head, with at least ten feet in length between two pulley stop points. The secondary line attached to animal shall have a rolling trolley

freely moveable a distance of at least ten feet on the primary trolley line with a spring/shock absorber attachment and swivels at both ends. The trolley system shall allow the animal unrestricted body movement and utilization of the entire area designated by the trolley system, with a minimum of five feet lateral movement for the animal on each side of the primary trolley line, as measured on the ground. The trolley system must allow the animal free access to food, water, and shelter. The trolley system must be of appropriate configuration to prevent escape of the animal, and confine the animal to the owner's property. The primary trolley line shall be used to restrain only one animal at a time.

5. All collars used must be made of nylon, leather, or other durable and non-metallic material and must be fitted so as to not cause injury to the animal or embed itself in the animal's neck.
6. Use of a chain, choke, or pinch collar as a primary collar is prohibited.
7. Any animal that is restrained must be a sufficient distance from any other objects or debris so as to prohibit any tangling of the restraint or from extension over an object or an edge that could result in injury or strangulation of the animal.
8. No animal shall be permitted to be on private property unless it is with the express permission of the property owner.
9. Every female dog or cat in heat shall be kept confined in a building or secure enclosure or in a veterinary hospital or boarding kennel or shall be treated in a manner so as not to create a nuisance by attracting other dogs or cats. Every female dog or cat over four months of age housed outside in a manner where other stray dogs or cats have unrestricted breeding access shall be spayed to prevent nuisance reproduction.
10. Any person walking or owning an animal is required to clean up any waste deposited by the animal on public property or the private property of anyone other than the property of the animal's owner.
(Ord. 1009, passed 2-2-09)

§ 55.20 REGULATION OF DANGEROUS ANIMALS.

A. Restraint and Confinement.

The owner shall confine, within a building or secure enclosure, any dangerous animal and shall not take the animal out of the building or enclosure unless the animal is securely muzzled and under restraint, or under the physical control of its owner.

(Ord. 1009, passed 2-2-09) No person owning or harboring or having the care or the custody of a dangerous animal may permit the animal to go unconfined on his premises. A dangerous animal is "unconfined" as used in this section if the animal is not confined securely indoors or confined in a securely enclosed fence or securely enclosed and locked pen or run area upon the

person's premises. The pen or run area must be clearly marked as containing a dangerous animal and must be designed to prevent the entry of the general public, including children, and to prevent the escape or release of the animal. (S.C. Code Ann. § 47-3-720)

B. OWNING OR HARBORING ANIMALS FOR FIGHTING OR ATTACKING HUMANS OR DOMESTIC ANIMALS PROHIBITED; SELLING, BREEDING, BUYING OR ATTEMPTING TO BUY, OR INTENT TO DO SAME, PROHIBITED; EXCEPTIONS.

1. No person may own or harbor an animal for the purpose of fighting or train, torment, badger, bait, or use an animal for the purpose of causing or encouraging the animal to unprovoked attacks upon human beings or domestic animals.

2. No person may possess with intent to sell, offer for sale, breed, or buy or attempt to buy a known dangerous animal; however, this subsection does not apply to a person who is licensed to possess and breed an animal under the classifications specified and regulated by the United States Department of Agriculture under the Animal Welfare Act as codified in Title 7 of the United States Code.

C. SEIZURE AND IMPOUNDMENT OF DANGEROUS ANIMAL.

1. If a law enforcement agent, animal control officer, or animal control officer under contract with a county or municipal government to provide animal control services has probable cause to believe that a dangerous animal is being harbored or cared for in violation of South Carolina Code Sections 47-3-720 or 47-3-740 or 47-3-760(E), the agent or officer may petition the court having jurisdiction to order the seizure and impoundment of the dangerous animal while the trial is pending.

2. If a law enforcement agent, animal control officer, or animal control officer under contract with a county or municipal government to provide animal control services has probable cause to believe that a dangerous animal is being harbored or housed in violation of South Carolina Code Section 47-3-730, the agent or officer may seize and impound the dangerous animal while the trial is pending.

§ 55.21 IMPOUNDMENT OF ANIMALS RUNNING AT LARGE.

1. It shall be unlawful for the owner or keeper of 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. (S.C. Code § 47-7-110)
2. It is unlawful pursuant to the provisions herein for any dog or cat owner or other keeper of a dog or cat to:

(A) keep a vicious or unruly dog unless under restraint, as defined herein under Section 55.19, so that the dog cannot reach persons not on land owned, leased, or controlled by him;

(B) release or take out of impoundment or quarantine without proper authority any dog or cat or resist county or municipal shelter personnel engaging in the capture and impoundment or quarantine of a dog or quarantining of a cat.

(C) Any person who violates the provisions of this section, 55.21(2), is guilty of a misdemeanor and, upon conviction, must be fined fifty dollars for a first offense and not more than one hundred dollars for each subsequent offense.

3. Whenever any domestic animals shall be found upon the lands of any person other than the owner or manager of such animals, the owner of such trespassing stock shall be liable for all damages sustained and for the expenses of seizure and maintenance. Such damages and expenses shall be recovered, when necessary, by action in any court of competent jurisdiction. And the trespassing stock shall be held liable for such damages and expenses, in preference to all other liens, claims or encumbrances upon it. (S.C. Code § 47-7-130)
4. Any freeholder or tenant of land, his agent or representative, may seize and hold possession of any stock which may be trespassing upon his premises and as compensation for such seizure may demand of the owner of every such horse, mule, ass, jennet, bull, ox, cow, calf, swine, sheep, goat, or other animal not herein named, just damages for injuries sustained. Such claim shall, when possible, be laid before the owner of the trespassing stock within forty-eight hours after seizure of the stock. (S.C. Code § 47-7-140)
5. In case the claim shall not be amicably or legally adjusted and the trespassing stock recovered by the owner within twelve hours after the receipt of such notification, the owner shall further become liable in a sum sufficient to cover the maintenance and care of his stock up to the time of its removal. But the owner shall be entitled to recover immediate possession of his stock on due execution of such bond to cover expenses and claimed damages as any magistrate shall decide to be good and sufficient. (S.C. Code § 47-7-150)
6. Whenever any stock shall be taken up under the provisions of this article, it shall be unlawful for any person to rescue it or deliver it from the custody of the person impounding it. (S.C. Code § 47-7-160)
7. In any criminal prosecution for violation of the provisions of Section § 55.21, et seq., the seq., the defendant may plead, as a matter of defense, the full satisfaction of all

reasonable demands of the party or parties aggrieved by such violation; and upon such plea being legally established and upon payment of all costs accrued up to the time of such plea he shall be discharged from further penalty. (S.C. Code § 47-7-170)

8. Any animal found to be running at large may be captured, confined and/or impounded by an animal control officer and held in an animal shelter for a minimum period of five days. If the animal is not reclaimed by the owner as provided in this chapter, the animal may be humanely euthanized or adopted to a new owner.
9. Any animal observed by an animal control officer to be running at large and subsequently returning to the owners property when the owner is absent or away from the property may be removed from the owner's property and impounded if the animal control officer has reasonable cause to believe that the animal is running at large in violation of the provisions of this chapter and the animal will present a danger to itself, persons or other animals or be prejudicial to the safety of the public if the animal is left unrestrained.
10. In the case of an impoundment of an animal under the provisions of § 55.21, the animal control officer shall provide posted written notice upon the property in issue setting forth the date and time of impoundment and the procedures to follow in order to retrieve the owner's animal.
11. Pursuant to the provision of S.C. Code § 47-3-540, an animal control officer is authorized to hold identifiable animals and dispose of them if the owner fails to claim them. Animal control officers must not euthanize any positively identifiable dog or cat until they have notified the owner at his or her last known address by registered mail that officers have the dog or cat in their possession. The owner must notify the animal shelter within two weeks after receipt of the registered letter that the owner will reclaim the dog or cat. If the owner does not reclaim the animal within two weeks of notification, it may be euthanized. Reasonable costs associated with the above extended holding period, including cost of mailing the required notice, must be paid before the dog or cat is returned to its owner, or the owner's designee, in addition to any other established costs, fines, fees, or other charges. (Ord. 1009, passed 2-2-09)

§ 55.23 HUNTING/WORKING DOG EXCEPTION.

1. The provisions of § 55.19(1) of this chapter shall not apply to hunting dogs while actually engaged in hunting, or training exercises while on the property of the owner or property of a consenting landowner. The hunting dogs are permitted to be under voice control or electronic tracking control rather than under the restraint required in § 55.19(1) of this chapter.

2. The provisions of 55.19(1) of this chapter shall not apply to a working dog or trained guard dog actively engaged in protection or working of livestock while on the property of the owner or property of a consenting landowner. The dog is allowed to cross an intersecting public right of way while actively engaged in protection or working of livestock. The working or trained guard dog is permitted to be under voice control or electronic tracking control rather than under the restraint required in § 55.19(1) of this chapter.
3. If any dog strays on public property or private property without permission of the landowner, the exception contained in this section shall not apply, and the owner of the dog shall be in violation of the provisions of this chapter.
(Ord. 1009, passed 2-2-09)

§ 55.24 KEEPING OR HARBORING STRAY ANIMALS.

1. No person, without the actual consent of the owner, shall harbor, feed, keep in possession by confinement or otherwise have any animal which does not belong to such person, unless he has, within 24 hours of the time the animal came into his or her possession, notified the animal shelter. Upon receiving such notice, the animal shelter may choose to impound the animal.
2. No person shall refuse to surrender a stray animal to an employee of the animal shelter upon demand.
(Ord. 1009, passed 2-2-09)

§ 55.25 ABANDONMENT AND MALTREATMENT.

1. 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 corporations shall be held to be the acts and knowledge of such corporations. (S.C. Code § 47-1-20)

2. Ill-treatment of animals generally.

(A) Whoever knowingly or intentionally overloads, overdrives, overworks, ill-treats any animal, deprives any animal of necessary sustenance or shelter, inflicts unnecessary pain or suffering upon any animal, or by omission or commission knowingly or intentionally causes these things to be done, for every offense is guilty of a misdemeanor.

3. Abandonment of animals.

(A) A person may not abandon an animal. As used in this section "abandonment" is defined as deserting, forsaking, or intending to give up absolutely an animal without

securing another owner or without providing the necessities of life. "Necessities of life" includes:

(1) adequate water which means a constant access to a supply of clean, fresh, and potable water provided in a suitable manner for the species;

(2) adequate food which means provision at suitable intervals of quantities of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition to allow for proper growth and weight;

(3) adequate shelter which 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.

(B) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be punished for each offense in the manner prescribed in Section 55.99. (S.C. Code § 47-1-70)

4. If an animal is found to be obviously abandoned by the owner or keeper, an animal control officer may impound that animal.

5. No person shall cause, instigate, attend or permit any dog fight, cockfight, or other combat between animals or between animals and humans.

(Ord. 1009, passed 2-2-09)

6. Immunity from civil and criminal liability.

Any person, including a person licensed to practice veterinary medicine, or an animal control officer or agent of the South Carolina Society for the Prevention of Cruelty to Animals or any society incorporated for that purpose, who in good faith and without compensation for services provided, acting without malice, recklessness, or gross negligence, renders emergency care or treatment to a domestic animal which is abandoned, ill, injured, or in distress related to an accident or disaster shall not be liable or subject to any civil or criminal liability for any injuries or harm to such animal resulting from the rendering of such care or treatment, or any act or failure to act to provide or arrange for further medical treatment or care for such animal. (S.C. Code § 47-1-75)

§ 55.26 INJURED, DISEASED AND DEAD ANIMALS.

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

2. Any person injuring a dog or cat by striking it with an automobile or other vehicle shall notify the owner of the animal, if identification is possible, or shall notify the Animal Control Department if the animal cannot be identified.
3. Any animal received by a veterinarian in critical condition from wounds, injuries or disease, may be destroyed if the owner cannot be contacted and the pet is suffering great pain.
4. If an injured animal has been released to the shelter and is determined to be unadoptable to the public, the animal may be eligible for rescue by any approved animal rescue group after an evaluation by the shelter veterinarian. Upon rescue, the animal will become the property of the rescue organization. Injured or distressed animals that have been released to the shelter will not be held an unreasonable length of time awaiting pick up by a rescue organization. (Ord. 1009, passed 2-2-09)

§ 55.27 DISPOSITION OF UNCLAIMED ANIMALS.

1. Any animal that has been impounded for five days and unclaimed by its owner will become the property of York County and may be disposed of as follows:
 - a. An animal may be placed for adoption to a person 18 years or older upon compliance with the provisions and payment of the fees required by this chapter.
 - b. An animal may be released to an approved animal rescue group as defined in this chapter if it has been determined that the animal is not suitable for adoption to the public or space at the animal shelter is not available to house that animal.
 - c. An animal may be humanely euthanized if deemed to be unadoptable due to medical, behavioral or spatial issues.
(Ord. 1009, passed 2-2-09)

§ 55.28 PROFITING FROM ANIMALS.

1. No person shall sell, trade, barter, auction, lease, rent, give away, or display for commercial purposes, any live pet, on any roadside, public right-of-way, public property, commercial parking lot or sidewalk, or at any flea market, fair, or carnival.
2. No person shall give away any live animal, fish, reptile or bird as a prize for or as an inducement to enter any contest, game or other competition or as an inducement to enter a place of amusement or as an incentive to enter into any business agreement whereby the offer was for a purpose of attracting trade.

3. The provisions of this section shall not apply to Animal Shelters, County recognized Animal Rescue Groups or other County recognized non-profit agencies that are sponsoring or attending events for the purpose of providing adoptable animals to the public or providing education or instruction to the public, or providing inoculations to animals in conjunction with the express exceptions set forth herein.
(Ord. 1009, passed 2-2-09)

§ 55.29 RECORDS.

1. Accurate records shall be kept by the animal shelter on all animals impounded as to whether they are redeemed, adopted or euthanized.
2. Records shall also be kept on all cases involving animal bites.
(Ord. 1009, passed 2-2-09)

§ 55.30 RECLAMATION OF IMPOUNDED ANIMALS

1. To obtain the release of an animal after impoundment, an owner must be at least 18 years old and also provide documentation that the animal is currently inoculated against rabies and also must pay the impoundment fee as specified in § 55.34 of this chapter.
2. If an animal is not reclaimed by its owner within 24 hours of the impoundment of that animal, a boarding fee will be charged at the current established boarding rate for each day after the first day of impoundment.
3. Pursuant to the provisions of S.C. Code § 47-3-55(C) and (E); all dogs and cats that are reclaimed from the animal shelter will have a microchip implanted with the associated cost of the microchip added to any impoundment and boarding fees. The owner redeeming his dog or cat must elect to have a microchip implanted.
4. An increasing impoundment fee will be charged to an animal owner according to the schedule established in this chapter each time an animal belonging to the same owner is impounded up to three consecutive times. Any subsequent impoundments charged to the owner after three times will be charged at a rate equal to the third impoundment fee and for each time thereafter.
 - (A) In calculating the fees required under this section, no animal impoundments charged to the animal owner occurring more than three years before the current impoundment shall be considered.
 - (B) The Animal Control Supervisor may, at his or her discretion, waive all fees for the first impoundment if, in the judgment of the Animal Control Supervisor, a

violation of this code is inadvertent and there are extenuating circumstances which would warrant the waiver of fees for a first impoundment.

5. The Animal Control Supervisor may prohibit an owner of any animal to reclaim the animal, which, by virtue of its temperament, size, behavior, history or any combination thereof, may present a danger to the safety of the public. Under this provision, the animal may be held at the Animal Shelter pending a hearing before a magistrate to determine if additional confinement measures are necessary. In the case of such a detention of an animal, boarding fees shall accrue pursuant to the schedule of fees set forth herein, but, may be waived by the magistrate upon a finding that additional confinement of the animal in issue is not necessary.
6. All requests for information on circumstances and reasons why an animal was impounded must be requested through the Freedom of Information Act. A written request must be submitted stating what information is requested, and it must include the contact information for the person making the request.
(Ord. 1009, passed 2-2-09)

§ 55.31 SPAY/NEUTER FOR RECLAIMED ANIMALS

1. Any animal owner may elect to have their cat or dog spayed or neutered at the time it is reclaimed and in any such case, all boarding fees will be waived and the animal owner will pay one-half the cost of the impoundment fee in addition to the cost of the rabies vaccination and the microchip. The animal will remain at the shelter until the next available surgery day.
(Ord. 1009, passed 2-2-09)

§ 55.32 ADOPTION OF ANIMALS

1. Any animal impounded under the provisions of this chapter may, at the end of the legal detention period be evaluated by the shelter staff and be eligible for adoption by a person 18 years or older who will agree to comply with the provisions of this chapter.
2. A person may be refused adoption of an animal by the Animal Control Supervisor if it is determined that the person wishing to adopt an animal has a history of (as evinced by County records) or past conviction of abandonment, maltreatment, or any other violation of this chapter.
3. If a licensed veterinarian certifies within three days of the adoption of an animal that the adopted animal is ill, sick or injured, the person to which the animal was adopted may request a refund or exchange the animal for another animal.
(Ord. 1009, passed 2-2-09)

§ 55.33 CONTRACT OF SPAY/NEUTER SERVICES.

1. The Public Works Director shall issue through the Purchasing Department a request for contract services to spay or neuter animals with veterinary clinics in the county which agree to discount usual and customary fees for the services whenever the shelter veterinarian is unable to complete the surgery. The contract fees for service will be reviewed on a yearly basis.
(Ord. 1009, passed 2-2-09)

§ 55.34 FEES.

1. The fees set forth herein shall be applicable to the functions listed and such fees shall be turned over to the county treasurer, who shall make a monthly accounting of the funds.

Adoption Fee (All Animals)	\$77
Impound Fee 1st Occurrence	\$75
Impound Fee 2nd Occurrence	\$125
Impound Fee 3rd Occurrence	\$150
Board Fee	\$9/day
Microchip	\$5
Rabies Vaccination	\$6

(Ord. 1009, passed 2-2-09)

§ 55.35 RULES OF CONSTRUCTION; REMEDIES NOT EXCLUSIVE.

1. Nothing in this chapter may be construed to limit the power of the county to prohibit animals from running at large, whether or not they have been inoculated as provided in this chapter; and nothing in this chapter may be construed to limit the power of the county to regulate and control animals in the unincorporated area of the county or to enforce other and additional measures for the restriction and control of rabies.
2. The penalties imposed in this chapter are non-exclusive. In the event of any violation or proposed violation of this chapter, the county manager, the director of public works, or the animal shelter supervisor, or any adjacent, neighboring, or affected property owner who would be damaged by the violation may, in addition to other remedies, apply to a court of competent jurisdiction for injunctive relief, mandamus, a restraining order, or other appropriate relief in a civil proceeding to prevent, correct or abate the violation or threatened violation of this chapter, and pursue all

such available additional remedies which shall be cumulative to the penalties provided herein.
(Ord. 1009, passed 2-2-09)

§ 55.99 PENALTY.

1. Except as expressed within §55.21(2)(D), a person refusing to comply with the provisions of this chapter or violating any of the provisions of this chapter will be subject to the issuance of an ordinance summons for each offense and upon conviction shall be guilty of a misdemeanor and subject to fines not to exceed \$500 per offense or imprisonment not to exceed 30 days; and in addition, shall be liable for all court costs and fees; and further shall be liable to pay all costs and fees incurred in the provision of care for the animal and all related expenses.
2. As more particularly described in § 55.15, violations of §§ 55.01, et seq. shall be enforced by any duly commissioned code enforcement officer using the county ordinance summons or by the York County Sheriff or any duly constituted deputy sheriff.
3. Nothing herein is intended to abrogate the County's or any citizen's civil remedies available under statutory or common law.