

ORDINANCE NO. 22-10-01

## ORDINANCE

**AN AMENDMENT TO TITLE IX: GENERAL REGULATIONS, CHAPTER 91 ANIMALS § 91.01 RUNNING AT LARGE PROHIBITED BY ADDING § 91.04 PET SHOPS, AND § 91.05 COMMUNITY CATS, AND § 91.15 DEFINITIONS AND § 91.16 Humane Tethering AND § 91.21 CARE REQUIRED; FIGHTS PROHIBITED AND § 91.23 BITING; PROCEDURE AND § 91.25 IMPOUNDMENT PROCEDURES AND § 91.25 IMPOUNDMENT PROCEDURES OF THE CITY OF BENNETTSVILLE CODE OF ORDINANCES.**

**WHEREAS**, the South Carolina Code Ann. Section 5-7-260 authorizes City Council to amend by ordinance; Title IX, General Regulations, Chapter 91, Animals, Sections 91.04, 91.05, 91.15, 91.16, 91.21, 91.23, 91.24, and 91.25 of the City of Bennettsville Code of Ordinances.

**BE IT ORDAINED** by the Council of the City of Bennettsville, South Carolina that Title IX, General Regulations, Chapter 91, Animals, Sections 91.04, 91.05, 91.15, 91.16, 91.21, 91.23, 91.23, 91.24, and 91.25 of the City of Bennettsville Code of Ordinances is hereby amended fully set forth as follows;

### **§ 91.01 RUNNING AT LARGE PROHIBITED.**

It shall be unlawful for any person to permit any horse, mule, cow, goat, swine, fowl or any animal of any kind, **ADD excluding community cats**, to run at large within the city limits.

### **ADD**

### **§ 91.04 PET SHOPS**

*Pet shop: Any retail establishment where companion animals are bought, sold, exchanged, or offered for sale or exchange to the public, whether as the primary purpose of the business or merely incidental to the operation of the business.*

- (a) No person shall sell, offer for sale, barter, or give away, any animal, fowl, or reptile that is less than 8 weeks of age.
- (b) 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.
- (c) No person shall give away any live animal, fish, fowl, 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 to enter into any business agreement whereby the offer is for the purpose of attracting trade.
- (d) It shall be unlawful for any pet shop, as defined herein, to offer for sale a dog or cat. A pet shop may provide space to an animal shelter or an animal rescue organization, as defined herein, to offer to the public dogs or cats for a nominal adoption fee, provided that the pet shop shall not have any ownership interest in the animals offered and shall not receive any fee for providing space or for the adoption of any of the animals.

- (e) Any person convicted under any local ordinance or state statute regarding animal cruelty or maltreatment is prohibited from selling any animal or offering any animal for sale in the county.

**ADD**

**§ 91.05 COMMUNITY CATS**

Community Cat: any free-roaming cat, which may or may not be feral, with a caretaker known or unknown. Community cats shall be distinguished from other cats through their ear-tip and sterilization. These cats are exempt from stray and at-large provisions of this ordinance.

Community cats shall be allowed in the City of Bennettsville as long as all of the following requirements are met:

- (1) Cat must be spayed or neutered.
- (2) Cat must be vaccinated for rabies.
- (3) Cat must be ear tipped.

A person caring for community cats shall not be considered the owner of those cats.

Eartipping/ear-tipped: the straight-line cutting of the tip of one ear of a cat, while the cat is anesthetized to indicate the cat has been sterilized and vaccinated. The left ear is the universally accepted practice; although in the past a cat's right ear may have been tipped.

Eligible community cats may be sterilized, vaccinated, ear-tipped and returned to the location where they were found at the discretion of the animal shelter personnel.

The Humane Society of Marlboro County shall be the designated shelter and will develop rules and regulations for the program.

**§ 91.15 DEFINITIONS.**

**ADD**

**ADEQUATE SHELTER:** That shelter which will keep a non-aquatic animal dry, out of the direct path of winds, out of direct sun, and at a temperature that is healthful for the animal. The containment area for the animal shall be free of accumulated waste and debris so that the animal shall be free to walk or lie down without coming in contact with waste or debris; shall be free of unsanitary conditions which results in offensive odors or is dangerous to the animal or to public health, welfare or safety; and shall be free of ticks and fleas. A suitable method of drainage shall be provided to rapidly eliminate any excess water or moisture. Aquatic and semi-aquatic animals shall have an adequate amount of clean water in which to move. For animals outside and unattended as defined herein, adequate shelter shall meet the following minimum standards:

(1) The shelter shall be a waterproof and windproof structure of suitable size to accommodate the animal and allow retention of body heat. It shall be made of durable material with a solid, waterproof floor raised at least three (3) inches from the ground. A shelter shall not be constructed of metal or any material that readily conducts heat or cold.

(2) The structure must have a windbreak at the entrance. The structure shall be provided with a sufficient quantity of suitable, clean bedding material to provide insulation and protection against cold and dampness and promote retention of body heat.

(3) All animals must be afforded one or more separate areas of shade large enough to accommodate the entire body of the animal at one time to ensure protection from the direct rays of the sun. A doghouse is inadequate protection from the sun.

**ADD**

**§ 91.16 HUMANE TETHERING**

It shall be illegal for a person to allow a dog to be tethered:

- (1) By a tether less than ten feet in length or less than four times the length of the dog's body from tip of the nose to the base of the tail, whichever is greater;
- (2) By a tether the length of which allows the dog to cross the property line of the property on which it is tethered;
- (3) By a tether that does not have a swivel at both ends;
- 4) Using a logging chain, tow chain, or other tether that exceeds one-tenth of the dog's body weight or which causes injury to the dog because of the material of which it is made or because of the size or weight of the tether;
- (5) By attaching the tether to the dog by a collar or harness that is made of a material other than nylon or leather or that is ill-fitting;
- (6) By using a trolley or running line system that is less than eight (8) feet in length and more than seven (7) feet above ground;
- (7) In an area likely to cause injury or pain to the dog because of entanglement or because of surrounding structures;
- (8) On any property lacking an occupied dwelling;
- (9) Beyond the direct sight and sound of the owner or caretaker for more than 15 minutes without continuous access to clean, potable water and adequate shelter; or
- (10) If the dog is less than 6 months old.

**§ 91.21 CARE REQUIRED; FIGHTS PROHIBITED.**

**ADD**

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

- 1) Abandonment of an animal, or any act to cause an animal to be abandoned;
- 2) Expose any known poisonous substance, whether mixed with food or not, so that the same shall reasonably be expected to be eaten by any animal, fish, bird, fowl, or reptile;
- 3) Cruelly beat, ill-treat, torment, torture, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit, any fight, or other combat between animals, or animals and humans;
- 4) Performing an operation to crop, notch, or split any animal's ear or tail without a valid license to practice veterinary medicine in South Carolina;
- 5) Failure to provide treatment or denial of treatment for any diseased, sick or injured animal;

- 6) Failure to provide or denial of necessary sustenance, such as food in an inadequate amount to sustain flesh or permit normal growth, an inadequate amount of clean water, or water that is sour, filthy or spoiled;
  - 7) Failure to remove excrement and keep shelter or confinement area clean and odor free;
  - 8) Failure to provide or denial of shelter for any animal in any manner without shading same from the sun, any direct light, heat or cold and providing adequate ventilation for their use;
  - 9) Selling, offering for sale, bartering, or giving away, any animal which is not at least eight (8) weeks of age;
  - 10) Leaving a dog outside unattended during extreme weather.
- (f) Locking animal in vehicle unattended when the officer's opinion is that the animal is in distress.

### **§ 91.23 BITING; PROCEDURE.**

Any dog which has ever bitten any person **without provocation** so as to break the skin, to the knowledge of the person owning, keeping, having charge of, sheltering, feeding, harboring or taking care of the dog, must be kept in a secure enclosure or be accompanied by a person who, by means of a leash, has the dog firmly under control at all times.  
(’88 Code, § 3.216) Penalty, see § 10.99

### **§ 91.25 IMPOUNDMENT PROCEDURES.**

#### **ADD**

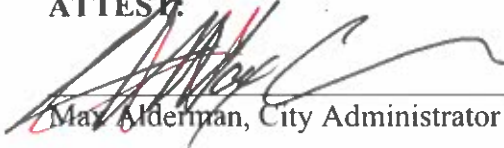
- (C) Any animal impounded under the provisions of this article and not claimed by its owner within five (5) calendar days becomes the property of animal shelter and may be humanely destroyed, transferred to a rescue, or placed for adoption.
- (D) Impoundment without proper care due to incapacity or involuntary absence of owner. Whenever the animal control officer finds that any animal is or will be without proper care because of injury, illness, incarceration or other involuntary absence of the person responsible for the care of such animal, the animal control officer may impound such animal until reclaimed by its owner. The owner must pay the applicable fees in the same manner, as any other owner would in order to redeem an impounded animal prior to the release of such animal by the division. If the owner cannot or does not pay fees within five (5) calendar days of impoundment, the animal shelter may move before the court for an order granting it ownership of the animal for adoption or other humane disposition.
- (E) If an owner redeeming a pet cannot show proof of a current rabies inoculation for the pet being held, the owner shall be required to bring proof of inoculation within five (5) business days.

**BE IT ORDAINED**, by the council of the City of Bennettsville, South Carolina that Title IX, General Regulations, Chapter 91, Animals, Sections 91.04, 91.05, 91.15, 91.16, 91.21, 91.23, 91.23, 91.24, and 91.25 of the City of Bennettsville Code of Ordinances Code of Ordinances are

hereby amended accordingly.

**DONE AND RATIFIED** IN COUNCIL DULY ASSEMBLED THIS 18<sup>th</sup> DAY OF October, 2022.

ATTEST:

  
Max Alderman, City Administrator

First Reading: 9-20-22  
Second Reading: 10-18-22

  
Dr. Carolyn A. Prince, Mayor





