

**AGENDA**  
**OF THE SIMPSONVILLE CITY COUNCIL**  
**COMMITTEE OF THE WHOLE**  
**October 27, 2020**  
**6:30pm**  
**Go To Meeting**

- 1. **CALL TO ORDER**.....Mayor Shewmaker
- 2. **ROLL CALL**.....City Clerk, Phyllis Long
- 3. **APPROVAL OF MINUTES** – September 22, 2020
- 4. **CITIZEN COMMENTS**
- 5. **STAFF REPORTS** – Department Heads will be available to answer any questions concerning the departmental monthly reports for Police, Fire, Recreation and Public Works
  - a. Monthly Financial Report ..... Director Finance, Christine Furino
  - b. Community Relations Specialist Report.....Community Relations Specialist, Justin Campbell
  - c. Economic Development..... Planning & Economic Development Director, Jason Knudsen
  - d. City Administrator Report..... City Administrator, Dianna Gracely

6. **BUSINESS**

*Items Anticipated to Come Before Council*

- a. Ordinance #2020-03, Comprehensive Plan.....Planning & Economic Development Director, Jason Knudsen
- b. SP-2020-06, Waterleaf at Neely Ferry Major Change.....Planning & Economic Development Director, Jason Knudsen
- c. Ordinance #2020-04, Swamp Rabbit Trail..... Chief Mike Hanshaw and City Administrator, Dianna Gracely
- d. Emergency Ordinance #E-2020-05.....City Administrator, Dianna Gracely
- e. Animal Ordinance ..... Councilmember Sherry Roche

7. **ADJOURN**

**PLEASE NOTE: This Agenda is accurate as of the Friday immediately preceding the Council meeting but is subject to change until twenty-four (24) hours prior to the meeting. Please contact the City Clerk the day of the meeting for the latest agenda information.**

**FORM FOR PROPOSAL OF ORDINANCES**  
**CITY OF SIMPSONVILLE, SOUTH CAROLINA**

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**TITLE: ORDINANCE NO. 2020-03. AN ORDINANCE TO ADOPT THE COMPREHENSIVE PLAN FOR THE CITY OF SIMPSONVILLE, S.C. PURSUANT TO THE 1994 STATE OF SOUTH CAROLINA COMPREHENSIVE PLANNING ENABLING ACT.**

ENACTING CLAUSE: NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SIMPSONVILLE, SOUTH CAROLINA

CITATION OF ORDINANCE REPEALED: N/A

PROVISION OF ORDINANCE: See provision of ordinance below.

ARTICLE/SECTION NUMBERS: N/A

EFFECTIVE DATE OF ORDINANCE: Upon final approval by Council after second reading and signing by the Mayor.

NAME OF PERSON REQUESTING INTRODUCTION OF ORDINANCE: Simpsonville Planning Commission.

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**NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIMPSONVILLE, SOUTH CAROLINA, AS FOLLOWS:**

**SECTION 1. AUTHORITY.** The authority for the enactment of this Ordinance is South Carolina Code of Laws 1976, Title 6, Chapter 29 entitled: The South Carolina Local Government Comprehensive Planning Enabling Act of 1994.

**SECTION 2. FINDINGS OF FACT.**

**WHEREAS**, the Simpsonville City Council adopted a comprehensive plan on January 14, 2020, with subsequent additions and amendments made thereto, which enacted and amended comprehensive land use planning for the City in compliance with the South Carolina Local Government Comprehensive Planning Enabling Act of 1994 (Title 6, Chapter 29 of the Code of Laws of South Carolina 1976, as amended), hereinafter referred to as the "Planning Act"; and

**WHEREAS**, the Planning Act requires the City's Planning Commission to review the City's comprehensive land use planning efforts as often as is necessary and further requires that the City's comprehensive land use planning documents be updated at least every ten years; and

**WHEREAS**, pursuant to the Planning Act, the Simpsonville Planning Commission, during their November 04, 2020 meeting, voted unanimously to recommend that the Simpsonville City Council adopt the City of Simpsonville 2040 Comprehensive Plan, hereinafter referred to as the "Comprehensive Plan"; and

**WHEREAS**, The Comprehensive Plan shall replace the existing comprehensive plan for the City, adopted January 14, 2020; and

**WHEREAS**, pursuant to the Planning Act, the Simpsonville City Council held a public hearing on the Comprehensive Plan on November 10, 2020; and

**WHEREAS**, it appears to Council that the Comprehensive Plan is comprised of all required elements, is proper in all other material respects, and that the adoption of the Comprehensive Plan is in the best interests of the City.

**SECTION 3. ADOPTION OF COMPREHENSIVE PLAN.** Pursuant to Section 6-29-530, South Carolina Code of Laws (1976), as amended, Council does hereby adopt and approve the Comprehensive Plan including all recitals, findings, text, maps, and reference documents, which is attached hereto and incorporated herein by reference.

**SECTION 4. CONFLICTING PROVISIONS.** City Ordinances and City Resolutions, or parts, thereof, in conflict with the provisions of this ordinance are hereby superseded by this ordinance to the extent of such conflict.

**SECTION 5. SEVERABILITY.** Each separate provision of this ordinance is deemed independent of all other provisions herein so that if any portion or provision of this ordinance is declared invalid, all other provisions thereof shall remain valid and enforceable.

**SECTION 6. EFFECTIVE DATE.** This Ordinance shall be effective upon second and final reading by the City Council.

SIGNATURE OF MAYOR:

\_\_\_\_\_  
Paul Shewmaker

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Phyllis Long  
City Clerk

\_\_\_\_\_  
David W. Holmes  
City Attorney

First Reading: November 10, 2020  
Second Reading: December 08, 2020

## EMERGENCY ORDINANCE

**TITLE: AN EMERGENCY ORDINANCE TO CONTINUE A DECLARATION OF A STATE OF EMERGENCY; TO SET PROCEDURES FOR COUNCIL MEETINGS AS A RESULT OF THE COVID-19 PANDEMIC; TO ALLOW COUNCIL MEETINGS TO BE CONDUCTED VIA ELECTRONIC MEANS; TO DISALLOW PUBLIC ATTENDANCE AT COUNCIL MEETINGS; TO DIRECT THE CITY ADMINISTRATOR TO PROVIDE PUBLIC ACCESS TO MEETINGS VIA THE INTERNET; AND VARIOUS PROVISIONS RELATING THERETO**

**WHEREAS**, on March 13, 2020, the President of the United States declared a national emergency as a result of the outbreak of the virus known as COVID-19; and

**WHEREAS**, on March 13, 2020, the Hon. Henry McMaster, Governor of the state of South Carolina issued Executive Order 2020-08 to declare a state of emergency concerning the outbreak of the virus known as COVID-19; and

**WHEREAS**, On March 15, 2020, Governor McMaster issued Executive Order 2020-09 that, *inter alia*, directed the closing of public schools and delayed all elections in the state and further called for the cancellation of all public gatherings where the number of attendees may exceed 100; and

**WHEREAS**, Executive Order 2020-09 does not apply to the City; however, the City Council believes that a state of emergency does exist and that the public and Council gathering for Council meetings increases the risk of exposure to COVID-19 and to the spread of the disease; and

**WHEREAS**, On March 23, 2020, the Governor issued Executive Order No. 2020-13, authorizing and directing law enforcement officers of the State, or any political subdivision thereof, to, *inter alia*, prohibit or disperse any congregation or gathering of people, unless authorized or in their homes, in groups of three (3) or more people, if any such law enforcement official determines, in their discretion, that any such congregation or gathering of people poses, or could pose, a threat to public health; and

**WHEREAS**, On March 24, 2020, the City Council passed Ordinance No. E-2020-01 declaring a state of emergency on the City of Simpsonville which shall expire, by law, on May 24, 2020; and

**WHEREAS**, on March 28, 2020, the Governor issued Executive Order No. 2020-15, declaring a new, separate, and distinct State of Emergency based on a determination that COVID-19 posed an actual, ongoing, and evolving public health threat to the State of South Carolina and extending certain provisions of his previous Executive Orders for the duration of the State of Emergency, unless otherwise modified, amended, or rescinded; and

**WHEREAS**, on April 12, 2020, the Governor issued Executive Order No. 2020-23, declaring an additional State of Emergency based on new facts and circumstances and a determination that the accelerated spread of COVID-19 throughout the State posed a different and distinct public health threat to the State of South Carolina and extending provisions of certain of his previous Executive Orders for the duration of the State of Emergency, unless otherwise modified, amended, or rescinded; and

**WHEREAS**, On April 27, 2020, Governor McMaster issued Executive Order 2020-29 that, *inter alia*, declaring a continued State of Emergency because of COVID-19 and extending provisions of certain of his previous Executive Orders for the duration of the State of Emergency, unless otherwise modified, amended, or rescinded; and

**WHEREAS**, on May 3, 2020, though Governor McMaster allowed certain previous Executive Orders to expire and allowed partial re-opening of certain businesses, he declared that a state of emergency continued to exist and continued to require social distancing and prohibited large public gatherings; and

**WHEREAS**, on June 11, 2020, Governor McMaster issued another Executive Order continuing the declaration a state of emergency as infections from COVID-19 continued to rise in South Carolina; and

**WHEREAS**, on August 2, 2020, August 25, 2020, and October 9, 2020, Governor McMaster issued Executive Orders continuing the declaration a state of emergency and imposing emergency measures to curb the rise of infections from COVID-19; and

**WHEREAS**, South Carolina Code Ann. §5-7-250 provides that cities may enact emergency ordinances to meet public emergencies affecting life, health, safety or the property of the people upon a single reading, provided that such ordinance does not levy taxes, grant, renew or extend a franchise or impose or change a service rate, upon the affirmative vote of at least two-thirds of the city or county council present, and provided that such emergency ordinance shall expire automatically on the sixty-first day following its enactment; and

**WHEREAS**, the conduct of the City's business should occur in such a manner that the public can be informed of the actions taken by City Council; and

**WHEREAS**, the City Council believes that through the use of modern technology, the Council can continue its work of properly governing the affairs of the City and allow the public to be fully informed of its proceedings;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SIMPSONVILLE, SOUTH CAROLINA, AS FOLLOWS:**

Section 1: A state of emergency continues to exist. Therefore, the Council directs as follows:

1. Council meetings may be conducted via electronic means. The Mayor and Members of Council may attend any meeting of council via telephone conference or other electronic means. The City Administrator is hereby authorized to take such action as may be necessary

to provide for electronic, telephonic, or other means to allow the Mayor and Members of Council to attend meetings without having to attend in person.

2. Except as modified by this Ordinance, the City Council reaffirms and re-adopts the other provisions of Emergency Ordinance #2020-01 as fully as if set forth herein verbatim.

Section 2. This ordinance shall expire automatically as of the sixty-first day following the date of its enactment pursuant to S.C. Code Ann. §5-7-250 unless earlier ended at the direction of City Council or the Governor declares that the COVID-19 crisis has ended.

Section 3. Authorization. The Mayor, the City Administrator, and the City Clerk, for and on behalf of the City, acting jointly or individually, are fully empowered and authorized to take such further action as may be reasonably necessary to effect the provisions authorized by this Ordinance in accordance with the conditions herein set forth.

Section 4. Severability. The provisions of this Ordinance are hereby declared to be severable and if any section, phrase or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions hereunder.

Section 5. Suspension of Conflicting Ordinances, Rules, Orders or Resolutions. All ordinances, rules, orders, resolutions and parts thereof in conflict herewith are, to the extent of such conflict, hereby suspended for the duration of this ordinance.

Section 6. Effective Date of the Ordinance. This ordinance shall be effective immediately upon passage.

**DONE in meeting duly assembled this 27th day of October 2020.**

SIGNATURE OF MAYOR:

\_\_\_\_\_  
Paul D. Shewmaker

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Phyllis Long  
City Clerk

\_\_\_\_\_  
David W. Holmes  
City Attorney

**CITY OF SIMPSONVILLE, SOUTH CAROLINA**

**TITLE: AN ORDINANCE TO AMEND CHAPTER 32, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, BY ADDING ARTICLE VI, SWAMP RABBIT TRAIL, TO GOVERN THE USE OF THE CITY'S PORTION OF THE SWAMP RABBIT TRAIL**

**WHEREAS**, the City of Simpsonville has adopted Chapter 32, Streets, Sidewalks and Other Public Places in the Code of Ordinances for the City of Simpsonville; and

**WHEREAS**, the City has been constructing a trail that is to become a portion of the Swamp Rabbit Trail; and

**WHEREAS**, the City Council of the City of Simpsonville believes that it is necessary and advisable to adopt an ordinance that govern the use of the Swamp Rabbit Trail;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SIMPSONVILLE, SOUTH CAROLINA**, as follows:

SECTION 1. That the Code of Ordinances, Chapter 32, Streets, Sidewalks and Other Public Places, be amended by adding Article VI as follows:

**ARTICLE VI. SWAMP RABBIT TRAIL**

**Sec. 32-180 Jurisdiction.**

The Simpsonville Police Department and the Greenville County Sheriff's Office shall enforce the provisions of this article and shall have jurisdiction to enforce provisions of state law and city ordinances on the Swamp Rabbit Trail.

**Sec. 32-181 General Conduct on the Swamp Rabbit Trail.**

It shall be unlawful for any person to commit any of the following acts while on the Swamp Rabbit Trail:

- (a) Operate a motorized vehicle or off-road recreation vehicle while on the Swamp Rabbit Trail. This provision shall not apply to law enforcement and/or emergency vehicles being used in their official capacity, to Greenville County Recreation District personnel in the course of their official duties, or to motorized wheelchairs being used by a person with a disability.
- (b) Operate a bicycle at a speed in excess of 20 miles per hour.
- (c) Sell, solicit, advertise, including but not limited to placing any type of sign or advertisement, or conduct any commercial enterprise on the Swamp Rabbit Trail unless such activity is authorized by the City of Simpsonville.

**Sec. 32-182 Penalties.**

Any person who violates the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction, shall be punished in accordance with Section 1-9 of this Code of Ordinances.

SECTION 2. AUTHORIZATION. The Mayor, the City Administrator, and the City Clerk, for and on behalf of the City, acting jointly or individually, are fully empowered and authorized to take such further action as may be reasonably necessary to effect the amendments authorized by this Ordinance in accordance with the conditions herein set forth.

SECTION 3. REPEALER: All ordinances, orders, resolutions and parts thereof in conflict herewith are, but only to the extent of such conflict, are hereby REPEALED and this Ordinance shall take effect and be in full force from the Effective Date as set forth in Section 7.

SECTION 4. PROVISION SEVERAGE: If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The CITY COUNCIL hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 5. SAVINGS CLAUSE: Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as stated in Section 3 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 6. The CITY CLERK is hereby ordered and directed to cause this ordinance to be published according to law.

SECTION 7. EFFECTIVE DATE: This ordinance shall become effective upon final approval by Council after second reading and signing by the Mayor.

**DONE in Regular Meeting duly assembled this \_\_\_\_\_ day of \_\_\_\_\_ 2020.**

SIGNATURE OF MAYOR:

\_\_\_\_\_  
Paul D. Shewmaker

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Phyllis Long  
City Clerk

\_\_\_\_\_  
David W. Holmes  
City Attorney

FIRST READING: \_\_\_\_\_

SECOND READING: \_\_\_\_\_



## Chapter 6 - ANIMALS

### Footnotes:

-- (1) --

**Cross reference**— *Environment, ch. 18; animals on sidewalks, § 32-76.*

**State Law reference**— *Animals, livestock and poultry, S.C. Code 1976, Title 47.*

## ARTICLE I. - IN GENERAL

### Sec. 6-1. - Reserved.

**Editor's note**— Former § 6-1 which pertained to running at large and derived from the Code of 1995, § 6-1 has been repealed in its entirety.

### Sec. 6-2. - Keeping domestic animals generally.

- (a) It shall be unlawful for any person to keep any domestic animals or fowl so as to be or become a nuisance, or because of noise, noxious odors, flies, filth or otherwise tend to impair health or disturb the peace and comfort of the normal or reasonable occupants of nearby residences or places of business. All stables, houses and barns shall be kept in a clean and sanitary condition. The manure shall not be allowed to accumulate.
- (b) It shall be unlawful for the owner, keeper or manager of any animal willfully or negligently to permit the animal to run at large beyond the limits of his own land, or the land leased, occupied or controlled by him.

(Code 1995, § 6-2; Ord. No. 2017-001, § 1, 6-12-2017)

### Sec. 6-3. - Reserved.

**Editor's note**— Former § 6-3 which pertained to driving animals at dangerous speeds; racing, has been repealed in its entirety. Former § 6-3 derived from the Code 1995 § 6-3.

### Sec. 6-4. - Cruelty to animals.

- (a) It shall be unlawful for any person to inflict cruelty upon any animal, or to ride, drive or work it when sick or unfit for work, override, overload, drive when overloaded, overwork, torture, deprive of necessary food, cruelly or unmercifully beat or whip any animal or fail to provide it with proper food, drink, shelter or protection from the weather, or to provide proper veterinary care and grooming, or to maintain the animal in a condition that is unhealthy, unsafe or unsanitary, whether the person is the owner thereof or has charge or custody of the animal or not.
- (b) It shall be unlawful to chain unsupervised dogs to trees, dog houses or any other object. In the event that a dog is kept in a pen, a pen with dimensions of at least ten feet by ten feet must be provided.

(Code 1995, § 6-4; Ord. No. 1999-5A, § 6-4, 4-13-1999; Ord. No. 2017-001, § 1, 6-12-2017)

**State Law reference**— Cruelty to animals, S.C. Code 1976, § 47-1-50.

### Sec. 6-5. - Report of dead animals and fowl.

Any person having upon his premises any dead animal or fowl shall immediately dispose of it or report it to the city.

Cross reference— Solid waste, ch. 30.

Sec. 6-6. - Bird sanctuary.

The city shall be a sanctuary for bird life and all forms of bird life are to be protected, and it shall be unlawful for any person at any time and under any circumstances to molest, kill or destroy any form of bird life within the incorporated limits of the city.

(Code 1995, § 6-6)

Sec. 6-7. - Care and custody of animals.

(a) All dogs when off the private property where the dog is housed shall be in the control of the owner and on a leash at all times. Leashes shall not exceed 12 feet in length. All persons in control of the animal must be able to maintain the animal when off their private property.

(b) Pets at city parks prohibited.

(1) **General prohibition:** No pets will be allowed at any time for any reason on any athletic field owned or controlled by the city. No dogs will be allowed at Veteran's Memorial. Pets are allowed at city parks in areas not prohibited by this section. Nothing in this paragraph, however, shall prohibit service or police dogs in these areas.

(2) **Heritage park:** Notwithstanding any other provision of this section, no pets will be allowed at any time in Heritage Park.

a. Exceptions:

1. Service or police dogs.
2. Dogs that are owned by individuals who are participating in a stage event at the Amphitheater such as actors, singers, band members and stage hands.
3. Dogs that are participating in a show or permitted event. (Example: Dogs participating in the Frisbee Dog event during Freedom Weekend Aloft.)

b. Requirements: Individuals who have a dog that is allowed at Heritage Park as a permitted exception (other than service or police dogs) shall be required to:

1. Obtain a permit from the city administrator for each dog permitted pursuant to this exception. To obtain the permit, the city administrator must determine that:
  - (i) The dog is permitted at Heritage Park as set forth in subsection 6-7(b)(2)a.
  - (ii) The dog is current with all required immunizations/vaccinations.
2. Affix a tag to be issued by the city administrator to the dog's collar which must be worn at all times. Any individual at Heritage Park with a dog that is not wearing the tag issued by the city administrator shall be in violation of this section and may be fined in accordance with section 1-9 of the Code of Ordinances.
3. Maintain the dog on a leash at all times unless the dog is actively participating in a permitted event.
4. Immediately pick up and properly dispose of any excrement.

(3) All individuals with dogs at Heritage Park shall be fully liable for any damage caused by the dog.

(c) All pet owners are responsible for removal of their pets excrement when off their private property within the city

limits. Owners when off their private property must be prepared to remove excrement and dispose of it in a lawful manner.

Persons found to be in violation of this ordinance shall be fined in accordance with section 1-9 of the City Code of Ordinances.

(Ord. 2010-01 amended §6-7 (c); Ord. No. 2014-05,6-10-2014; Ord. No. 2017-001, § 1, 6-12-2017)

Sec. 6-8. - Simpsonville dog parks.

(a) The city may establish dog parks from time to time as a place for people to enjoy their dogs off-leash and for dogs to interact with other dogs. Rules for use of the dog park shall be posted at the entrance to the dog park. In addition, the following provision shall apply:

- (1) Dogs shall be up-to-date with vaccinations including Bordetella and Parvo. Owners/handlers shall carry proof of vaccinations.
- (2) Children under the age of 14 years shall be prohibited within the dog park, including inside any transition area where dogs' leashes are removed, unless accompanied by an adult.

(b) The owner/handler of the dog(s) is liable for injuries and damages inflicted by their dog(s).

(Ord. No. 2017-001, § 1, 6-12-2017)

**Editor's note**— Ord. No. 2017-001, § 1, adopted June 12, 2017, amended § 6-8 in its entirety to read as herein set out. Former § 6-8 pertained to exemption from the provisions of this article.

Secs. 6-9—6-40. - Reserved.

## ARTICLE II. - DOGS

### *Footnotes:*

-- (2) --

*State Law reference— Municipal powers re dogs, S.C. Code 1976, § 47-3-70.*

Sec. 6-41. - Running at large prohibited.

It shall be unlawful for the owner, keeper or manager of any dog willfully or negligently to permit the animal to run at large beyond the limits of his own land, or the land leased, occupied or controlled by him.

(Code 1995, § 6-36; Ord. No. 1999-5A, § 6-36, 4-13-1999)

Sec. 6-42. - Impoundment of dogs found running at large.

The police, officials or employees of the city may seize all dogs that may be found running at large and impound them in an enclosure provided for that purpose. Any person may seize any dog found on his premises and deliver it to the police, officials or proper employees of the city to be impounded as provided in this section.

(Code 1995, § 6-38)

Sec. 6-43. - Redemption procedure for impounded dog or other animal.

When any dog or other animal shall have been seized and impounded under the provisions of this article, and the owner of the dog shall attempt to recover and gain possession of the dog, then the owner shall be subject to a fine or penalty not in excess of the sum of \$5.00 per day and a kennel fee of \$35.00 that may be invoked by the properly designated city official for the purpose of reimbursing the city for the use of the city kennels and any drugs used in the impoundment of the dog. The failure of an owner to retrieve the animal from the city shall in no way abate the fees and penalties of this section.

(Code 1995, § 6-39; Code 1999-5A, § 6-39, 4-13-1999)

Sec. 6-44. - Unclaimed dogs.

If any stray dog seized and impounded under this article is not claimed by its owner within the period of five days after its seizure, then the animal control officer shall have the authority to dispose of any and all of these dogs in a manner and according to their discretion as the circumstances may require.

(Code 1995, § 6-40)

Sec. 6-45. - Rabies inoculation required.

It shall be unlawful for any person to own or have in possession any dog which has not been inoculated against rabies within the preceding 12 months by a licensed veterinarian.

(Code 1995, § 6-42)

Sec. 6-46. - Dogs biting a person or with symptoms of rabies.

It shall be the duty of any person owning or having in his possession any dog within the city which has bitten a person or which has developed any symptoms of rabies immediately to notify the animal control officer of the condition or biting. Such owner shall immediately confine the dog securely in such a manner that there will be no opportunity for it to come in contact with any other animals and keep the dog so confined and segregated until the owner is notified by the animal control officer that it can again be set at liberty, or until some other disposition is made of the dog by the animal control officer.

(Code 1995, §6-43)

Secs. 6-47—6-80. - Reserved.

ARTICLE III. - ANIMAL CONTROL

Sec. 6-81. - 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* means any nonhuman living vertebrate, whether wild or domesticated.

*Animal control office* means the office designated by the city with such powers and duties as are set forth in this article.

*Animal control officer* means the person appointed by the city administrator to be the animal control officer who shall be vested with the authority to enforce and otherwise administer the provisions of the animal control ordinance and state laws pertaining thereto.

*Owner or keeper* means any person who:

- (1) Has a right of property in an animal;
- (2) Keeps or harbors an animal or has it in his care, or acts as its custodian for two weeks or more; or
- (3) Permits an animal to remain on or about any premises occupied by him.

*Vicious animal* means an animal:

- (1) With a known propensity, tendency or disposition to attack unprovoked, to cause injury to, or to otherwise endanger the safety of humans or domestic pets; or
- (2) Which attacks or has attacked a human being or other domestic animal without provocation; or
- (3) Which is trained or used to fight, or to attack humans.

(Code 1995, § 6-71; Ord. No. 2016-08, § 1, 10-11-2016)

**Cross reference**— Definitions generally, § 1-2.

Sec. 6-82. - Animal control officer's scope of authority.

(a) *General powers, authority and duties.*

- (1) The officer designated by the city with the enforcement of animal control shall have the authority to enforce all applicable laws concerning animal control as set forth by this article or other laws and such additional procedures, duties and responsibilities as the city shall, from time to time establish.
- (2) It shall be the duty of the animal control officer to provide education, whether by house visits or information given out to new residents at the time they receive their occupancy permit. Information about animal control shall be given to apartment managers and local real estate offices.
- (3) Nothing in this section shall abridge or limit the right and duty of law enforcement to enforce the provisions of this or any other law concerning animal control to the degree to which their training and expertise may allow them to do so.

(b) *Maintenance of records.* The Animal Control Officer shall be familiar with and maintain accurate and complete records relating to the following matters:

- (1) Impoundment and disposition of all animals coming into his custody.
- (2) All animals registered in the city.
- (3) All money belonging to the city which is in his custody and for which he is accountable. All records shall be open to inspection at all times by persons authorized to inspect them and shall be audited annually by the city.

(c) *Search warrants.* The animal control officer may obtain a search warrant to enter any premises upon which there is probable cause to believe that a violation of this article exists. The officer may then demand to examine such animal and take possession of the animal, when, in the officer's opinion, it requires removal from the premises and a violation of this article has occurred.

(d) *Pursuit of rabid or abused animals.* 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 quest of any animal which the animal control

officer has reasonable cause to believe has been abused, neglected, is vicious, or has rabies.

- (e) *Impoundment of felines.* Notwithstanding any other provision of the Code of Ordinances of the city, the animal control officer shall have the authority, but shall not be required, to impound felines. The Animal Control Officer shall provide reasonable assistance to citizens who wish to impound felines.

(Code 1995, § 6-72; Ord. No. 1999-5A, § 6-72(e), 4-13-1999; Ord. No. 2017-001, § 1, 6-12-2017)

**Cross reference—** Officers and employees, § 2-131 et seq.

Sec. 6-83. - Interference with animal control officer.

It shall be unlawful for any person to interfere with, hinder, molest or obstruct the animal control officer in the performance of his duty or seek to release any pet in his custody without his consent.

(Code 1995, § 6-73)

Sec. 6-84. - Nuisance animals.

- (a) *Limitation on number.* It shall be a nuisance to keep more than four animals on the premises of any real estate lot of less than one acre in size. This provision shall not apply to a veterinarian or boarding establishment for animals, provided such person or business entity is in compliance with all licensing and zoning laws. Any person harboring or maintaining custody or control over animals in violation of this section shall be guilty of a misdemeanor. Each day of a continuing violation of this section shall be deemed a separate violation.
- (b) *Bothersome, threatening animals.* The actions of an animal constitute a nuisance when an animal disturbs the rights of, threatens the safety of, or damages a member of the general public, or interferes with the ordinary use and enjoyment of their property.
- (c) *Public nuisances described.* It shall be unlawful for any person to own, keep, possess or maintain an animal in such a manner so as to constitute a public nuisance. By way of example and not of limitation, the following acts or actions by an owner or possessor of an animal are 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 including, but not limited to, turning over garbage containers or damaging gardens or flowers.
  - (2) Maintaining an animal that habitually or repeatedly chases, snaps at, or attacks pedestrians, bicycles or vehicles, or any animal whose behavior constitutes a reasonable risk of injuring a human or other animal.
  - (3) Maintaining property in a manner that is offensive, annoying or dangerous to the public health, safety or welfare of the community because of the number, type, variety, density or location of the animals on the property.
  - (4) Allowing or permitting an animal to bark, whine, cry or howl in an excessive, continuous, untimely or unreasonable fashion, or to make other noise in such a manner so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises. It is the intent of this section to abate the problem of domestic animal howls, barks, whines or cries which materially interfere with or affect the health, comfort, peace and quiet within the city.
  - (5) Maintaining an animal in an environment of unsanitary conditions which results in offensive odors, filth, vermin or disease, or is dangerous to the animal or to the public health, safety or welfare.
- (d) *Complaint, investigation, notice to correct.* Upon the receipt of two detailed 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 enforcement officer shall notify the owner or keeper of the domestic pet in question that a complaint has been received and shall investigate the complaint. If the investigation determines that the complaint is justified, the animal control officer or other appropriate law enforcement officer shall notify the owner or keeper of the domestic animal, in writing, to correct the violation.

- (e) *Continuing violations.* Should the owner or keeper of any domestic animal found to be in violation of this section fail to correct said violation after ten days, the owner of such domestic pet shall be subject to the penalties for violations provided in this section, with each day in violation constituting a separate offense.

(Code 1995, § 6-74; Ord. No. 2017-001, § 1, 6-12-2017)

#### Sec. 6-85 - Vicious animals.

- (a) It shall be unlawful for any person to own, keep, have charge of or in any way maintain or harbor any animal which is vicious as defined in section 6-81. This shall not apply to any animal that attacks any person or animal unlawfully upon its owner's or keeper's premises.
- (b) If the animal control officer determines that an animal has dangerous propensities or is a nuisance as defined in section 6-84, or that it has attacked someone either without provocation or without causing serious bodily harm, he shall notify the owner by serving a written notice upon him to confine the animal to his premises in a securely enclosed and locked pen. The pen must have either sides six feet high or a secure top. If the pen has no bottom secured to the sides, the sides must be embedded into the ground at a depth of no less than one foot. The premises must be clearly posted giving notice that a dangerous animal is kept on the property. Failure to comply within the five-day period shall be cause to seize and dispose of the animal as set forth in subsection (c) of this section (d) of this section.
- (c) If the animal control officer has determined that an animal is vicious or that it has not been properly confined pursuant to a notice as set forth in subsection (b) of this section, then he shall notify the owner immediately in writing, if the owner is known. If the animal control officer has determined that an animal is vicious or that it has not been properly confined pursuant to a notice as set forth in subsection (b) of this section, then he shall notify the owner immediately in writing, if the owner is known. The owner shall turn the animal over to the animal control officer immediately after such notification. If the owner fails to properly surrender the animal, he may be arrested for a violation of subsection (a) of this section and an order of forfeiture of the animal may be sought from the court. If the owner fails to properly surrender the animal, he may be arrested for a violation of subsection (a) of this section and an order of forfeiture of the animal may be sought from the court. The animal may be seized pending trial. Upon final determination or conviction, the animal control officer may dispose of the animal in one of only two specific ways:
- (1) By the humane destruction of the animal; or
  - (2) By giving the animal to an individual or organization not within the limits of the city, subject to protective and inspection conditions required by the animal control officer, for the well-being of the animal and the protection of the public.
- (d) An animal declared to be a vicious animal shall not be disposed of for research or experimental purposes. These provisions are intended to supplement state law and vicious animals may also be seized under the provisions of S.C. Code 1976, § 47-3-750.

(Code 1995, § 6-75; Ord. No. 2017-001, § 1, 6-12-2017)

#### Sec. 6-86. - Enforcement; procedure for search warrant and seizure.

- (a) When a complaint is made on oath or affirmation to any magistrate or municipal judge authorized to issue warrants in criminal cases that the complainant believes or has probable cause to believe that this section in relation to animals has been violated in any particular building, premises or place, such magistrate or judge, if satisfied that there is probable cause for such belief, shall issue a search warrant authorizing any law enforcement officer, accompanied by an animal control officer, to search the building or place.
- (b) The animal control officer may examine such animal and may take immediate possession of such animal when, in his opinion, it is receiving inhumane treatment.
- (c) Upon conviction, a fine shall be assessed in accordance with section 6-87.

(Code 1995, § 6-76)

Sec. 6-87. - Penalty.

- (a) Any person who violates the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction, shall be punished in accordance with section 1-9.
- (b) The court shall not waive or suspend any fine levied in accordance with this section by allowing an owner to give up or surrender possession of any animal.

(Code 1995, § 6-77)