

ORDINANCE NO.: 2016-093

*Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 4, Animals, Article I, In General, Sec. 4-1 Killing, injuring or disturbing squirrels or birds; Article III, Animal Control, Division 1, Generally, Sec. 4-61 Definitions; Sec. 4-63 Kennels; Sec. 4-67 Redemption of impounded pet animals to add (d); add Sec. 4-73. Animal care, generally; add Sec. 4-74 Community Cat Diversion Program; amend Division 2, Dangerous Animals, Sec. 4-93 Restraint of an aggressive animal*

BE IT ORDAINED by the Mayor and Council this 6th day of December, 2016, that the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 4, Animals, Article I, In General, Sec. 4-1 Killing, injuring or disturbing squirrels or birds; Article III, Animal Control, Division 1, Generally, Sec. 4-61 Definitions; Sec. 4-63 Kennels; Sec. 4-67 Redemption of impounded pet animals to add (d); add Sec. 4-73. Animal care, generally; add Sec. 4-74 Community Cat Diversion Program; amend Division 2, Dangerous Animals, Sec. 4-93 Restraint of an aggressive animal, are amended to read as follows:

**Sec. 4-1. Killing, injuring or disturbing squirrels or birds.**

It shall be unlawful for any person to kill, maim or otherwise annoy with firearms, air rifles or slingshots, or in any other manner, the squirrels and birds within the limits of the city or within the limits of any park or playground owned by the city, or to disturb the nests of such birds and squirrels; provided that any owner, authorized agent, lessee or tenant of real estate in the city frequented by squirrels in number sufficient to create a nuisance on or cause damage to any property thereon may apply to the animal services division for a permit and may be authorized to humanely trap or have humanely trapped by a private wildlife or pest control agency and then appropriately relocate the squirrel(s) or birds.

**Sec. 4-61. 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:

*Aggressive animal* means any animal which exhibits unprovoked behavior which causes a person to reasonably believe that the animal may cause harm to a person or another animal for which an adequate enclosure, confinement, restraint, muzzling or training would protect the public or other animals from harm or the threat of harm by the animal. Such behavior includes, but is not limited to, growling, baring teeth, snarling, snapping, charging, or nuisance biting.

*Animal control shelter* means any premises designed by the city for the purpose of impounding and caring for all pets found at large or otherwise in violation of this article, or which are surrendered to the city by the owner.

*Animal control superintendent* means that person employed by the city to administer the animal control program.

*Animal control worker* means any person employed by the city to enforce the animal control program.

*Dangerous animal.*

(1) Dangerous animal means:

a. Any animal which the owner knows or reasonably should know has a propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or pets for which an adequate enclosure, confinement, restraint, muzzling or training would not or does not protect the public or other animals from harm or the threat of harm by the animal; to be determined with consideration given to the following factors, which are listed by way of illustration and not limitation: the animal's behavior, its size, its temperament, its breed, and its capacity for inflicting serious injury; the likelihood

that the conditions pertaining to the animal are detrimental to the safety or welfare of citizens in the immediate surrounding area; that there is a child under the age of 12 or a vulnerable adult, as defined in S.C. Code Ann. Section 43-35-10 (2006), who lives in close proximity or walks by or is otherwise in close proximity to the property occupied by the animal; that the animal has bitten a human being or domestic animal without provocation or a trespass or has approached a person in an apparent attitude of attack; or other similar factors which would be relevant.

- b. An animal which attacks a human being or a pet without provocation;
  - c. An animal owned, kept or harbored primarily, or in part, for the purpose of dogfighting.
  - d. An animal used to threaten or intimidate citizens or other animals.
- (2) An animal shall not be deemed dangerous if:
- a. It bites, attacks or menaces:
    - 1. Anyone assaulting the owner;
    - 2. A trespasser on the property of the owner; or
    - 3. Any person or other animal who has tormented or abused it;
  - b. It is otherwise acting in defense of an attack from a person or other animal upon the owner or other person; or
  - c. It is protecting or defending its young or another animal.

*Dog* means all members of the canine family.

*Guard dog and attack dog* mean any dog which has been trained to attack persons independently or upon oral command and any dog which, while not so trained, is reasonably expected to perform as a guardian of its owner and/or the property upon and within which the dog is located and is owned by a licensed security service or is owned or used by law enforcement agencies.

*Kennel* means the premises of any person engaged in the business of breeding, buying, selling or boarding dogs or who keeps four or more dogs on the premises.

Nuisance biting means an animal bite which does not result in injury or bodily injury.

Owner means any person owning, keeping, harboring or acting as custodian of a pet.

Pet means any animal or fowl kept for pleasure rather than utility or commercial purposes.

#### **Sec. 4-63. Kennels.**

- (a) Certification of inspection. No person shall own or operate a dog kennel or keep four or more dogs on his premises within the city without first obtaining a certificate of inspection from the animal control division, issued pursuant to this section, for which an annual inspection fee of \$100.00 shall be paid.
- (b) Standards for commercial kennels. Commercial kennels shall be constructed, maintained and operated in conformance with the current standards and procedures promulgated by the Humane Society of the United States.
- (c) Standards for noncommercial kennels.
  - (1) Floors must be constructed of impervious material and treated with sealer and must slope at least one-half inch per foot for drainage to the sanitary sewer.
  - (2) All kennels must be connected to the city's sanitary sewer system in a manner approved by the city engineer.
  - (3) Dogs must be confined to enclosures of at least fifty (50) square feet per animal. Enclosures must have an impervious floor and have a completely enclosed area in which all confined animals will be kept at night. Kennels must be constructed in accordance with the building code of the city and inspected by the building official.
  - (4) Enclosures must have water available at all times.
  - (5) Enclosures must be cleaned at least once per day by rinsing into the sanitary sewer.

- (6) Enclosures must be screened from the side or rear lot line by shrubbery or a privacy fence.

**Sec. 4-67. Redemption of impounded pet animals.**

(a) The owner or keeper of any pet which has been impounded under the provisions of this article shall have the right to redeem such pet at any time within five days upon payment of a fee as follows:

(1) For a pet which has been properly inoculated, licensed, microchipped and neutered or spayed, the fee shall be \$10.00.

(2) For other pets the fee shall be \$10.00 plus the appropriate license fee, the charge for rabies inoculation, a \$20.00 microchipping fee, and the cost of spaying or neutering the animal. No fertile animal shall be redeemed or adopted from the shelter. No animal will be released from the shelter without proof of inoculation and without an implanted microchip. The requirement of spaying or neutering may be waived if the owner meets the criteria under the exceptions provisions in subsection 4-62(c). The requirement of spaying or neutering shall not be waived under the exceptions in subsections 4-62(c)(1)—(3) when the animal is impounded a second time for any violation of sections 4-64; 4-65; 4-66; 4-70(1), (2), (5), (7) or (8).

(b) In addition to the redemption fee, and an impound fee of \$20.00, a board fee of \$6.00 per day per pet shall be paid by the owner or keeper when a pet is redeemed.

(c) The fees set out in this section shall be doubled for any animal impounded twice or more within the same 12-month period.

(d) For a pet which has been properly inoculated, licensed, microchipped and neutered or spayed, the impound and redemption fee shall be waived if it is the animal's first impoundment, if the pet's microchip can be traced back to the current owner and the pet is redeemed within 48 hours of impoundment.

**Sec. 4-73. Animal care, generally.**

(a) It shall be unlawful for an owner to fail to provide his or her animal(s) with sufficient and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment.

(b) It shall be unlawful for a person to beat, cruelly treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit and dogfight or other combat between animals or between animals and humans.

(c) Any person violating any provision of this article shall be deemed guilty of a misdemeanor offense and shall be subject to the penalties outlined in section 1-5. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for penalties, and costs provided for this article.

**Sec. 4-74. Community Cat Diversion Program.**

(1) Feral or free roaming cats may be allowed in the City of Columbia as long as all of the following requirements are met:

a. Cat must be assessed by a veterinarian and deemed healthy.

b. Cat must be spayed or neutered.

c. Cat must be vaccinated for rabies, feline viral rhinotracheitis, calicivirus, and panleukopenia.

d. Cat must be ear tipped.

(2) A feral or free roaming cat shall be scheduled for spay/neuter the day after entering the shelter or as soon as practicable thereafter and then returned to the area where it was trapped on the third day, or as soon as practicable thereafter. Any cats already meeting the requirements in Sec 4-74(1) a, b, c and d may be returned immediately. Treatment and return of any program cat shall be subject to the discretion of the Superintendent of Animal Services.

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(3)The city shall have no liability for the disposition of any cat entered into a free roaming cat or feral colony program. No person shall have any ownership interest or property rights to any program cat.

(4) The city may suspend or eliminate the program at its sole discretion.

(5)Community cats are exempt from licensing provide that they meet all the requirements contained herein.

**Secs. 4-75--- 4-90. Reserved.**

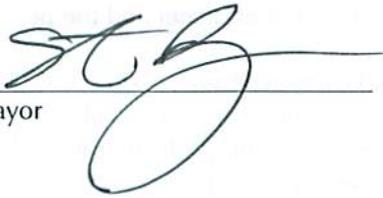
**Sec. 4-93. Restraint of an aggressive animal.**

(a) It shall be unlawful for any person owning or harboring or having the care or the custody of an aggressive animal, as defined in this article, may permit the animal to go unconfined on his premises. An aggressive 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 indicted in section 4-95 and must be designed to prevent the entry of the general public, including children, and to prevent the escape or release of the animal. However, this section does not apply to an animal owned by a licensed security company and on patrol in a confined area as provided for in Sections 4-95 and 4-96 of this Code.

(b) It shall be unlawful for any person owning or harboring or having the care of an aggressive animal may permit the animal to go beyond his premises unless the animal is safely restrained and muzzled and the requirements of section 4-94(e) are met.

Requested by:

Assistant City Manager Gentry

  
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Mayor

Approved by:

  
\_\_\_\_\_  
City Manager

Approved as to form:

  
\_\_\_\_\_  
City Attorney

ATTEST:  
  
\_\_\_\_\_  
City Clerk

Introduced: 11/15/2016  
Final Reading: 12/6/2016