

ORDINANCE NO.: 2007-054

Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 4, Animals, Article III, Animal Control, Division 1, Generally, Sec. 4-61 Definitions, Sec. 4-62, License for dogs and cats; rabies vaccination, and Division 2, Dangerous Animals

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BE IT ORDAINED by the Mayor and Council this 19th day of September, 2007, that the 1998 Code of Ordinances of The City of Columbia, South Carolina, Chapter 4, Animals, Article III, Animal Control, Division 1, Generally, Sec. 4-61, Definitions, Sec. 4-62, License for dogs and cats; rabies vaccination, and Division 2, Dangerous Animals, are amended to read as follows:

**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 three or more dogs on the premises.

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*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. 4-62. License for dogs and cats; rabies vaccination.**

(a) *License required; proof of rabies vaccination.* It shall be unlawful for the owner of any dog or cat to fail to provide any dog or cat over four months of age with a current city license tag. The owner of any dog or cat over four months of age must also have a current rabies vaccination tag showing that such animal has been vaccinated. No license shall be issued unless proof of inoculation is shown. No new license shall be issued to a person, or anyone who resides with a person, who has been convicted of a violation of Section 4-91 in the preceding five (5) years. These persons may, however, renew a license for an animal that was licensed at the time of the conviction, provided that a license shall never be renewed for the animal that provided the basis of the conviction. Any dog or cat owner who moves in the city for the purpose of establishing residency or who becomes a resident as a result of annexation shall have 30 days in which to obtain the license.

(b) *Fees generally; expiration and renewal; duties of veterinarians.* The city license fee for fertile dogs and cats shall be \$25.00 per year. The city license fee for sterilized dogs and cats shall be \$5.00 per year. Each license required by this article shall be good for one year from the date of its issuance and no longer. Licenses shall be renewed annually and may be renewed 60 days in advance of expiration. At the end of each month, all licensed veterinarians shall transmit complete and legible copies of all rabies vaccination certificates issued during the month to the city's superintendent of animal control.

(c) *Exemptions from differential license fees.*

(1) Any owner of a dog or cat who can furnish a statement by a licensed veterinarian that for medical reasons, the spay or neuter procedure is not appropriate at this time.

(2) Any owner of one or more purebred dogs or cats who can furnish proof of participation in at least three nationally recognized conformation or obedience shows within the past 12 months.

(3) Any owner of a dog which is trained and certified to be an assistance dog for its owner.

(d) *Tags.* The public services department shall annually provide a sufficient number of durable tags suitable for dogs and cats numbered from "1" upwards, on which shall be stamped the year and the words "dog/cat license." Such tags must be worn by all dogs and cats in the city at all times, except that an animal shall not be required to wear a tag if the animal has been permanently marked in a painless manner with an identification number issued by the public services department for that purpose. The permanent mark must be located in a position approved by the public services department.

(e) *Records.* The public services department shall obtain the name and address of each party to whom a license and tag or permanent number has been issued under the provisions of this article and shall keep the name and address on file in the offices of the department for the purpose of identification.

**Sec. 4-91. Prohibited; exceptions.**

(a) Except as provided in subsection 4-91(d), it shall be unlawful for any person to own, keep, harbor or act as custodian of a:

(1) Dangerous animal as defined by this Article; this section does not apply to guard dogs or attack dogs;

- (2)
- a. Nondomestic member of the family felidae;
  - b. Wolf-dog hybrid containing any percentage of wolf;
  - c. Badger, wolverine, weasel, skunk and mink;
  - d. Raccoon;
  - e. Bear;
  - f. Nonhuman primate to include ape, monkey, baboon, macaque, lemur;
  - g. Marmoset, tamarin and other species of the order primates;
  - h. Bat;
  - i. Alligator, crocodile and caiman;
  - j. Scorpion;
  - k. Constricting snake of the following species: reticulated python, python reticulatus; Burmese/Indian rock python, python molurus; rock python, python sebae, and anaconda, eunectes murinus;
  - l. Venomous reptile; or
  - m. Lizard over two feet which are members of the family varanidae.

(b) It shall be unlawful for any person to expose to public view or contact, exhibit either gratuitously or for a fee, any wild or feral animals identified in subsection 4-91(c), or any animal of mixed domestication and feral lineage within the corporate limits of the city on public or private property, except as provided in subsection 4-91(d).

(c) Wild or feral animal means:

- (1) Any animal which is not naturally tame or gentle, and which is of a wild nature or disposition, and which is capable of killing, inflicting serious

injury upon, or causing disease among, human beings or domestic animals and having known tendencies as a species to do so;

(2) Any animal declared to be illegal by the animal superintendent or the city manager or his or her designee;

(3) Any nondomesticated member of the order Carnivora;

(4) The following animals which shall be deemed to be wild or feral animals per se:

a. All nondomestic members of the family felidae;

b. Wolves, wolf-dog hybrids containing any percentage of wolf, coyotes and foxes;

c. Badgers, wolverines, weasels, skunks and mink;

d. Raccoons;

e. Bears;

f. Nonhuman primates to include apes, monkeys, baboons, macaques, lemurs, marmosets, tamarins and other species of the order primates;

g. Bats;

h. Alligators, crocodiles and caimans;

i. Scorpions;

j. Any snakes or venomous reptile; or

k. Lizards over two feet which are members of the family varanidae;

(d) The prohibition contained in subsections (a), (b) and (c) above, shall not apply to the keeping of wild or feral animals in the following circumstances:

(1) The keeping of wild or feral animals in a public zoo, bona fide education or medical institution, humane society, or museum where they are kept as live specimens for the public to view, or for the purpose of instruction, research or study.

(2) The keeping of wild or feral animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit or show, properly licensed and permitted by state and local law.

(3) The keeping of wild or feral animals in a bona fide, licensed veterinary hospital for treatment.

(4) The keeping of wild or feral animals by a wildlife rescue organization with appropriate permits from any state or local regulatory body.

#### **Sec. 4-92. Impoundment.**

After an animal is determined to be dangerous or aggressive but improperly confined, as defined in this Article, an animal control officer shall have the authority to immediately impound the animal. Upon impounding the animal, an animal control officer shall immediately attempt to serve the owner with a uniform ordinance summons for a violation of this Article. Impoundment shall continue until the resolution of the criminal charge. If the owner is not known, or refuses to accept personal service of the uniform

ordinance summons, the animal shall be impounded for five days and the animal services division shall make a reasonable effort to locate and serve the owner. If the owner cannot be located and served the animal may be humanely destroyed after the impoundment for the five-day period.

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

(a) No 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) No 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.

**Sec. 4-94. Penalties.**

(a) A person who violates Sections 4-91, 4-93 or subsection (e) of this section, provided the animal has not attacked or injured a human being, is guilty of a misdemeanor and, upon conviction, for a first offense, must be fined not more than two hundred dollars or imprisoned not more than thirty days. Upon conviction of a subsequent offense, the person must be fined five hundred dollars and imprisoned for thirty days, none of which may be suspended or remitted.

(b) A person who is the owner of a dangerous animal which attacks and injures a human being is guilty of a misdemeanor and, upon conviction, for a first offense must be fined not more than five hundred dollars or imprisoned not more than thirty days.

(c) A dangerous animal which attacks a human being or domestic animal may be ordered destroyed when in the court's judgment the dangerous animal represents a continuing threat of serious harm to human beings or domestic animals.

(d) A person found guilty of violating this article shall pay all expenses, including, but not limited to, shelter, food, veterinary expenses for boarding and veterinary expenses necessitated by the seizure of an animal for the protection of the public, medical expenses incurred by a victim from an attack by a dangerous animal, and other

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expenses required for the destruction of the animal, for any time period during which the case is prosecuted or an appeal is pursued.

(e) A person owning an aggressive animal shall maintain liability insurance or surety bond of at least fifty thousand dollars insuring or securing the owner for personal injuries inflicted by the aggressive animal.

(f) Nothing in this chapter is designed to abrogate any civil remedies available under statutory or common law.

**Sec. 4-95. Signage for guard dogs or attack dogs.**

All owners, keepers, harborers, lessees or custodians of any guard dog or attack dog shall display in a prominent place on their premises, and at each entrance or exit to the area in which such dog is confined, a sign, easily readable by the public, using the words "Beware of Dog" or wording of similar import in letters at least two inches in height. This section shall not apply to any guard dog or attack dog owned or used by law enforcement agencies.

**Sec. 4-96. Insurance requirements for guard dogs or attack dogs.**

The owner of any guard dog which protects property in the city shall maintain a general liability insurance policy insuring against liability resulting from acts of the dog while performing as guardian of the property upon which the dog is located in an amount not less than \$300,000.00 aggregate combined single limit for bodily injury, personal injury and property damage.

This ordinance is effective as of final reading.

Requested by:

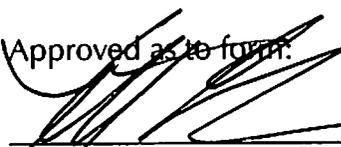
Missy Gentry, Public Works Director

  
MAYOR

Approved by:

  
City Manager

Approved as to form:

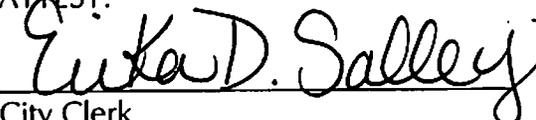
  
Interim City Attorney

Introduced: 9/5/2007

Final Reading: 9/19/2007

Last Revised: 7/10/2007

ATTEST:

  
City Clerk