

AN ORDINANCE

AN ORDINANCE TO AMEND CHAPTER 4 OF THE GREENVILLE COUNTY CODE OF ORDINANCES RELATING TO PET IDENTIFICATION, ANIMAL CARE, BREEDER LICENSES, AND RECOVERY BY THE COUNTY FOR COST OF CARING FOR SEIZED ANIMALS.

WHEREAS, Greenville County is a caring community that wants to limit the pet population to that which the owners and community can provide a reasonably adequate level of care a Comfort.

WHEREAS, Greenville County continues to grow in population.

WHEREAS, the citizens and government of Greenville County are suffering from increased admissions to Animal Care to the point of being overburdened.

WHEREAS, uncared-for animals in the community poses a public health and safety crisis for the citizens of Greenville County.

WHEREAS, an updated and strengthened Greenville County ordinance will assist with animal welfare, help reunite lost animals with their owners, improve public health and safety, and reduce animal overpopulation in the county and the shelter.

WHEREAS, and updated and strengthened ordinance will also ease the strain on staff, reduce the intake of animals, and the resulting euthanasia at the shelter.

WHEREAS, the citizens of Greenville County have a strong desire to return the shelter to no-kill status and improve the overall well-being and welfare of animals and citizens in Greenville County, South Carolina.

WHEREFORE, the Greenville County Animal and Fowl Ordinance is amended as follows:

Section 1. Pet Identification.

No license shall be required of dogs, cats or other small domestic animals.

However, the county requires dog and cat owners to provide a means of identification for these animals, through a collar (or similar item) with an attached identification tag. The attached identification tag shall include the animal's name, the owner's name, and an active phone number of the owner. Additional means of identification, such as a microchip or other viable methods, is strongly recommended.

Section 2. Feral cats.

A person (caregiver or caregiver manager) providing food, water, shelter, or care to community cats (feral cat colonies with feral cat ear tipping) shall not be considered the owner of those cats and shall not be required to comply with this section. For purposes of this ordinance, the following definitions shall apply:

Caregiver means any person who provides food, water, or shelter to or otherwise cares for a feral cat colony and has made application to Greenville County Animal Care Services for management of a feral cat colony.

Caregiver manager means any person in charge of a caregiver program.

Ear tipping means straight-line cutting of the tip of the left ear of a cat while the cat is anesthetized. Occurs once a feral cat is spayed or neutered and provided with vaccines before being released to the feral cat colony.

Feral cat means a cat which currently exists in a wild or untamed state.

Feral cat colony means a group of cats that congregate. Although not every cat in a colony may be feral, non-feral cats routinely congregate with a colony shall be deemed to be a part of it.

Section 3. Pet Breeder License, Breeding, and Inspection.

For purposes of this ordinance, the following definitions shall apply:

Commercial Breeding Kennel: Any person or establishment that owns, houses or maintains three or more dogs for the purpose of breeding and selling their offspring.

Sell or Offer For Sale: To display for sale or to exchange for consideration, adopt out, barter, auction, trade, lease, or otherwise transfer.

(A) Commercial kennel permit.

1. All commercial breeding kennels shall obtain and maintain a valid permit based upon a specific site in order to operate within the County. Additional zoning permits, building permits, and occupational licenses may be required.
2. An application and fee to obtain a commercial breeding kennel license shall be completed by each kennel owner. Each applicant for a commercial breeding kennel license shall:
 - a. Be at least twenty-one (21) years of age and have no prior animal cruelty convictions; and
 - b. Have no history of a revoked or refused kennel permit.
3. A permit shall be issued only after inspection by an animal control officer.

- a. If unacceptable conditions are found at initial inspection, the applicant will have 30 days to correct the conditions and re-apply. If the applicant fails the second pre-permit inspection, no permit shall be issued.
4. Animal control officers shall inspect a breeding kennel upon receipt of a complaint alleging a violation of this section.

(B) Minimum standards.

1. All cages or enclosures must be designed and constructed of suitable materials so that they are structurally sound and kept in good repair. Cages or enclosures shall be maintained as follows:
 - a. *Indoor containment.*
 - i. Have no sharp points or edges
 - ii. Are safe for their designated use
 - iii. Contain the animal(s) securely
 - iv. Keep other animals from entering the enclosure
 - v. Enable the animal(s) to remain dry and clean
 - vi. Provide animals with easy and convenient access to clean food and water
 - vii. Have floors that are constructed in a manner that protects animal(s) feet and legs from injury, and that, if of mesh or slatted construction, do not allow the animals' feet to pass through any openings in the floors
 - viii. All surfaces in contact with animals shall be cleaned and sanitized daily (including holidays)
 - b. *Outdoor containment.* If dogs are contained outdoors, their cage or enclosure must be designed and constructed of suitable materials so that they are structurally sound and kept in good repair. In addition to the standards provided in 1a, cages or enclosures shall be maintained as follows:
 - i. Provide protection and shelter from extreme temperatures and hazardous weather conditions
 - ii. Provide sufficient shade from direct rays of sun
 - iii. Provide continuous access to potable water that is not frozen and free of contaminants
 - c. Cages and enclosures shall not be stacked on top of another nor suspended from the ceiling.
2. All breeding kennels must be sufficiently ventilated at all times when animals are present to provide for animal health and well-being, and to minimize odors, drafts, ammonia levels and moisture condensation.
 - a. There shall be at least one foot of headroom above the head of the tallest dog in the enclosure.

- b. There shall be at least twelve square feet of indoor space for each dog up to twenty-five inches long, at least twenty square feet of indoor space per each dog between twenty-five and thirty-five inches long, and at least thirty square feet of indoor floor space per each dog for dogs thirty-five inches and longer (with the length of the dog measured from the tip of the nose to the base of the tail).
3. All dog breeding kennels keeping animals indoors must be well-lit to permit inspection and cleaning of the facility and observation of animals.
4. All dog breeders shall provide adequate nourishment and water for each animal as follows:
 - a. Each animal shall be given fresh food at least twice during each 24-hour period, including holidays, except as otherwise required to provide adequate veterinary care.
 - b. Soft food shall be available to those animals unable to chew standard dry food.
 - c. Potable water shall be available to each animal at all times.
 - d. Food and water containers shall be washed and disinfected daily.
 - e. Food must be stored in closed containers and kept wholesome and free of pests or spoilage.
5. All dog breeding kennels shall provide each dog with adequate exercise and socialization as follows:
 - a. Allow each dog, at least once daily, unfettered access to an exercise area that is ground level and is at least twice the size of the primary cage or enclosure.
 - b. Provide at least 30 minutes per day of meaningful socialization with humans and compatible dogs.
6. All dog breeding kennels shall provide a written medical program signed by a licensed veterinarian and proper veterinary care as follows:
 - a. Provide a hands-on examination by a veterinarian for each animal at least once each year.
 - b. Core vaccinations as recommended by the American Veterinary Medical Association, including rabies vaccinations for all dogs over 4 months of age and vaccinations necessary to prevent common canine diseases such as Parvovirus.
 - c. Medication necessary to prevent infestation by intestinal parasites.
 - d. Each animal shall be promptly treated for any serious illness or injury by a licensed veterinarian.
 - e. Surgical births and other surgical procedures must be performed by a licensed veterinarian.
 - f. Euthanasia to be performed only by a licensed veterinarian.
7. All dog breeding kennels shall maintain at least one full-time staff member per each 25 adult dogs housed at the facility.

8. Any breeder who chooses not to keep a dog must make all reasonable efforts to find placement with an adoptive family, animal rescue, or other appropriate owner for that dog.

(C) Record keeping.

1. All breeders shall maintain complete and accurate records of the total number of animals sold, traded, bartered, brokered, given away, boarded, or exhibited during the previous year.
2. Records shall also include the method of acquisition and disposal for each animal (whether sold, deceased, given away or other methods) for at least three years.
3. All breeders with valid permits shall keep a record of all veterinary treatments – including vaccinations, medication, and surgical procedures – performed on each animal and any euthanasia procedures for at least three years. Records shall be made available to animal control officers upon request.

(D) Outdoor sales.

1. It shall be unlawful for any person to offer for sale any dog or cat at or on any street, public right-of-way, parkway, median, park, recreation area, outdoor market, or parking lot regardless of whether such access is authorized by the owner.
2. This section shall not apply to the display or offer for sale of dogs or cats by an animal shelter, animal rescue organization, or the display of dogs or cats as part of a state or county fair exhibition, or 4-H program.
3. A person that commits a violation of this section shall be fined by a sum of \$500. Each offer for sale in violation of subsection (A) shall constitute a separate offense.

Section 4. Cost of Care Provisions

The animal control or law enforcement officer charging a person with a violation of Section 4-19 of this Ordinance shall use reasonable diligence to give notice to the owner of the animals found in the charge or custody of the person charged, if the person is not the owner, and shall care and provide properly for the animals. Notwithstanding any other provision of law, an animal may be seized preceding an arrest and pursuant to Section 47-1-150.

(A) Custody and care of animal after arrest

Notwithstanding another provision of law, any animal control officer, sheriff, deputy sheriff, deputy state constable, constable, law enforcement officer, Greenville County Animal Care Services, or other entity that is awarded custody of an animal under the provisions of Section 4-19 of this Ordinance or who has seized an animal because of a violation of any provision of this Ordinance, may file a petition with a court of competent jurisdiction to hear civil cases requesting the court to require the owner of the animal or animals to deposit funds at specified

intervals in an amount sufficient to secure payment of all anticipated costs of the seizure and care of the animals pending the disposition of the litigation.

(2) If the defendant is found guilty, then the custodian of the animal may then determine if the animal is suitable for adoption or rescue and if adoption or rescue can be arranged for the animal. The animal may not be adopted by the defendant or by any person residing in the defendant's household if the defendant was found guilty. If no adoption or rescue can be arranged after the forfeiture or if the animal is unsuitable for adoption or rescue, then the custodian shall humanely euthanize the animal.

(3) At any time prior to final adjudication, the owner has the right to forfeit ownership of the animal and avoid all future custodial costs related to the animal's care but not costs already accrued, beginning with the date of the seizure.

(4) In the event that an owner is adjudicated not guilty of all charges related to the animal seizure or all charges are dismissed not pursuant to plea negotiations or an intervention program, the owner shall receive from the filing agency a refund of all costs paid by the owner pursuant to the petition. The court may award interest on the amount refunded to an owner under this subsection.

(B) Petition.

(1) Every petition filed pursuant to subsection (A) shall contain a description of the time, place, and circumstances of the seizure, the legal authority for the seizure, and the name and address of the owner of the animal seized.

(2) Any animal control officer, sheriff, deputy sheriff, deputy state constable, constable, or other law enforcement officer shall personally serve written process of the petition on the owner of the animal. If the officer is unable to personally serve written process of the petition on the owner of the animal within thirty days of the filing of the petition, the officers shall, within ten days thereafter, post a copy of the petition on the door of the residence of the owner or in another conspicuous place at the location where the animal was seized.

(C) Hearing.

(1)(a) Upon the court's receipt of return of process of the petition on the owner, the court shall set a hearing on the petition to determine the need to care for and provide for the animal pending the final disposition of the animal. The hearing shall be conducted no less than ten days and no more than fifteen business days after the court's receipt of return of service of process of the petition on the owner. Any animal control officer, sheriff, deputy sheriff, deputy state constable, constable, or other law enforcement officer is authorized to serve written notice on the owner of the date, time, and location of the hearing. If no name and address for the owner are set forth in the petition, then such notice shall be posted in a conspicuous place at the location where the animal or animals were seized.

(b) If the owner is financially unable to retain counsel, the owner may seek counsel pursuant to Chapter 3, Title 17.

(c) The court may reduce the amount the owner is required to pay under this section if the owner is indigent.

(2) The scope of the hearing is limited to whether probable cause existed to seize the animal. Upon such a showing, the court shall require payment to the magistrate of an amount sufficient to cover reasonable costs of seizure and care, as determined by the court, for a period beginning as of the date of seizure and ending thirty days after the date of the order. Neither the result of a hearing provided for under this section nor a statement of an owner made at any such hearing shall be admissible in any criminal prosecution related to the seizure of the animal.

(3) The owner shall be ordered to deposit an amount equal to the portion of the original deposit amount attributable to the first thirty days after the date of the initial order and every thirty days thereafter until the owner relinquishes the animal or until the final disposition of the animal. If the required funds are not deposited within five days of the original order setting the amount of funds, or within five days after the expiration of each applicable subsequent thirty-day period, then the animal shall be forfeited to the petitioning agency by operation of law and may be disposed of via transfer to another person or entity capable of providing care or other humane disposition.

(4) The court may correct, alter, or otherwise adjust the owner's thirty-day obligation of payment upon a motion made by the owner or the petitioning agency at least five days before the expiration date of the then current thirty-day payment period. The hearing shall be held within ten days of service of the motion on the opposing party, and any adjustment to the thirty-day payment amount shall become effective five days after the court orders, or refuses to order, an adjustment.

(D) Deposit of Funds.

(1) Upon the deposit of funds with the court in accordance with this section, the entity incurring the costs of care may immediately begin to draw from those funds for payment of the actual costs incurred by the petitioning agency in keeping and caring for the animal from the date of seizure to the date of the final disposition of the underlying criminal action regarding the owner and the animal.

(2) Upon final disposition of the animal, remaining funds deposited with the court shall be refunded to the owner.

(E) The remedy provided for in this section is in addition to any other remedy provided by law.

The owner or person having charge or custody of an animal cruelly used who is convicted of any violation of Section 4-19 of this Ordinance forfeits ownership, charge, or custody of the animal, and at the discretion of the court, the person who is charged with or convicted of a violation of Section 4-19 of this Ordinance may be ordered, if not previously ordered, to pay costs incurred to care for the animal and related expenses.

Section 5. Applicability

Nothing in this Ordinance may be applied in contradiction to the exemptions and protections provided to hunting dogs, sporting dogs, or working dogs under S.C. Code Section 47-1-40, S.C. Code Section 16-27-60, and S.C. Code Section 16-27-80.

Section 7. Severability.

Severability is intended throughout and within the provisions of this Ordinance. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

Section 3. Effective Date. This ordinance shall take effect upon adoption.

DONE IN REGULAR MEETING THIS ____ DAY OF _____, 2025.

ATTEST:

XXX
Clerk to Council

XXX Chairman
Greenville County Council

XXX
County Administrator