

BARNWELL CITY CODE

Chapter 4

ANIMALS*

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* **State Law References:** Municipal authority to enact ordinances for care and control of dogs, cats, and other animals, S.C. Code 1976, § 47-3-20; municipal powers not limited by state laws, S.C. Code 1976, § 47-3-70; required annual inoculation of pets against rabies, S.C. Code 1976, § 47-5-60; notice to health department of animal suspected of rabies, S.C. Code 1976, § 47-5-80; metal inoculation tag required, S.C. Code 1976, § 47-5-60; impoundment of strays, S.C. Code 1976, § 47-3-40; disposition of strays, S.C. Code 1976, § 47-3-60; duty to contact owners, S.C. Code 1976, § 47-3-55; state falconry permit regulations, S.C. Code Reg. 123-170.

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ANIMALS

§ 4-1

ARTICLE I. IN GENERAL

Sec. 4-1. Livestock, goats, fowl 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, including dogs, to run at-large within the city limits. Any such animal or fowl found running at-large may be taken up by any of the employees of the city or any citizen thereof and shall be released only upon the payment by the owner or claimant of the costs of maintaining and feeding the same and all charges due including damages caused by such animal. Upon the failure of the owner or claimant so to do within three days after seizure such animal shall be sold after giving ten days' notice by posting advertisements in three public places of the costs of seizure, maintenance and damages. After satisfying such costs the surplus shall be turned over to the owner upon demand.

(Code 1989, § 3.101)

Sec. 4-2. Keeping--Cows or horses.

It shall be unlawful to keep and maintain within the city either cows or horses, on any lot of land containing less than one acre for each such animal kept and maintained thereon; provided, however, that such restrictions shall not apply where such animals are kept on premises owned by dog food manufacturers.

(Code 1989, § 3.102)

Sec. 4-3. Same--Swine.

It shall be unlawful to keep any hogs or pigs within the city limits nor shall it be lawful to slaughter or butcher any animal within the corporate limits; provided, that slaughtering or butchering of animals may be carried on within the corporate limits in accordance with the rules and regulations of the state board of health, when authorized by the city council.

(Code 1989, § 3.103)

Sec. 4-4. Bird sanctuary.

(a) The entire area embraced within the corporate limits of the city is hereby designated as a bird sanctuary.

(b) It shall be unlawful to trap, hunt, shoot or attempt to shoot or molest in any way any bird or wild fowl or to rob bird nests or wild fowl nests; provided, however, that if starlings, pigeons or similar birds are found to be congregating in such numbers in a particular locality that they constitute a menace to health or property in the opinion of the proper health authorities of the city, and no satisfactory alternative is found to abate such nuisance, such birds may be destroyed in such numbers and in such manner as is deemed advisable by such health authorities under the supervision of the chief of police.

(Code 1989, § 3.104)

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Sec. 4-5. Raising or Keeping Chickens Generally.

The keeping of chickens shall be in compliance with the following, in addition to any zoning and/or building regulations that may be applicable to the construction of coops and runs:

- (a) No more than six hens shall be kept or maintained on a single premise. No roosters shall be allowed.
- (b) Such hens must be confined in a coop not less than 18 inches in height and with a minimum square footage of floor area of 2 square feet per hen over four months of age, connected to a run of not less than 9 square feet per bird; 12 square feet for two birds; 16 square feet for three birds; or, 24 square feet for six birds over four months of age, and which shall be fully enclosed. Coops must be completely enclosed and constructed in a uniform manner of sturdy material that provides protection from potential predators and the elements and must be properly ventilated. Runs must be constructed of a fencing material that prevents potential predators from getting into the run and which prevents the hens from escaping.
- (c) The run must be well drained so there is no accumulation of chicken excrement and shall be cleaned regularly, with all droppings and excretion disposed of in a manner so as not to cause an odor or attract flies, unless otherwise disposed of in accordance with any federal, state or local health regulations.
- (d) Coops must be screened from the side or rear lot line by shrubbery or privacy fence if it comes within 25 feet of the property line and/or 50 feet of the nearest residence other than that of the owner.
- (e) No person shall slaughter any chickens on his premise.
- (f) It shall be unlawful to raise chickens for commercial purposes within the corporate city limits of the city or to sell eggs laid by chickens kept in the corporate city limits of the city.

(Ord. No 2013-1, 1-7-2013)

Secs. 4-6--4-15. Reserved.

SUPPLEMENT DATE 01-07-13

ARTICLE II. DOGS**Sec. 4-16. 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:

Dog means and includes all members of the canine family four months or more of age, including foxes and other canines.

Dog owner means any person owning, keeping, having charge of, sheltering, feeding, harboring or taking care of any dog.
(Code 1989, § 3.201)

Sec. 4-17. Control of dogs.

Every person owning or having charge, care, custody or control of any dog shall keep such dog exclusively upon his own premises; provided, however, that such dog may be off such premises if it be under direct control of a responsible person. Direct control may be effected by leash or by personal command, if the latter effectively provides direct and positive control.
(Code 1989, § 3.202)

Sec. 4-18. Running at large prohibited.

- (b) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Running at large or *running loose* means all dogs found upon any of the public streets, or public places, or upon private property owned by persons other than the owner or custodian of the dog, and not under the immediate and direct supervision and control of the owner, or a member of his immediate family.

- (b) *Prohibited.* No dog shall be permitted to run at-large.
(Code 1989, § 3.203)

Sec. 4-19. Nuisances.

It shall be unlawful for any dog owner to keep or have within the city a dog that habitually or repeatedly chases, snaps at, attacks or barks at pedestrians, bicyclists or vehicles or turns over garbage pails or damages gardens, flowers or vegetables or conducts itself so as to be a public nuisance. Once the Barnwell Police Department receives three individual complaints about the same dog for the same activity, the dog will be deemed a Public Nuisance and the owner, upon notification, will be given 10 days to remove the dog from the City Limits or surrender it to the Animal Control Officer. If the dog is surrendered, it will be placed at the Animal Shelter with instructions it not be adopted out to anyone living within the City of Barnwell.

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(Code 1989, § 3.204, Ord. No. 2013-2, 1-7-2013)

Sec. 4-20. Female dogs in heat.

It shall be unlawful for a dog owner to permit a female dog to run at-large during estrus, more commonly known as being "in heat," the period of sexual receptivity in unspayed animals.

(Code 1989, § 3.205)

Sec. 4-21. Barking dogs.

It shall be unlawful for any dog owner to keep or have within the city a dog that habitually or repeatedly barks in a manner or to such extent that it is a public nuisance.

(Code 1989, § 3.206)

Sec. 4-22. Impoundment.

Police officers or other persons designated by the city shall impound any dog running at large in violation of this article. Any vicious dog not on a leash, any uninoculated dog, and any dog, regardless of conditions, which is beyond the premises of its owner and not under direct control of a responsible person, shall be deemed at-large in violation of this article and subject to being impounded.

(Code 1989, § 3.207)

Sec. 4-23. Notice to be given by person injuring dog.

It shall be unlawful for any person injuring a dog, by running over or into same or coming into contact with same with an automobile, motorcycle, bicycle or other vehicle, to fail to notify immediately the owner of such dog or the police department.

(Code 1989, § 3.210)

Sec. 4-24. Duty of owner of dog known to have bitten any person.

Any dog which has ever attempted to bite or bitten any person, to the knowledge of the person owning, keeping, having charge of, sheltering, feeding, harboring or taking care of such dog, must be kept in a secure enclosure or be accompanied by a person who, by means of a leash, has such dog firmly under control at all times.

(Code 1989, § 3.211)

Sec. 4-25. Police department--Duties.

The police department and any other person designated by the city council shall be charged with the responsibility of:

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- (1) Cooperating with the proper officers of the county and assisting in the enforcement of the laws of the state with regard to dogs and especially with regard to the vaccination of such dogs against rabies and with regard to the confinement or leashing of vicious dogs;
- (2) Investigating all complaints with regard to dogs;
- (3) Making such canvasses of the city, when required to do so, including the homes in the city as it deems necessary, for the purpose of ascertaining that all dogs are duly and properly licensed and vaccinated against rabies;
- (4) Enforcing all state laws and all ordinances enacted by the city for the care, control and custody of dogs;
- (5) Supervising and being in charge of any city facility where dogs may be impounded.

(Code 1989, § 3.212)

Sec. 4-26. Same--Interference with officers prohibited.

It shall be unlawful for any person to interfere in any way with any police officer or employee of the city engaged in seizing or impounding any dog under authority of this article.

(Code 1989, § 3.213)