

# CITY OF CHARLESTON

## LAWS & ORDINANCES REGARDING PETS

### Chapter 5 - ANIMALS

#### ARTICLE I. - IN GENERAL

##### Sec. 5-1. - Definitions.

For the purposes of this chapter, the following words and phrases are hereby defined:

*Animal.* Any dumb creature which is commonly or actually domesticated.

*Animals running at large or stray animals.* Any animal which does not wear a city license, or which has not been vaccinated, as required by this chapter or other applicable law, or which is not cared for or harbored or maintained according to the provisions of this chapter or other applicable law.

*Animal shelter.* Any facility used for the care, impounding or inoculation of any animal and designated as an animal shelter by the mayor.

*Authorized representative.* Any person, group or association, or employee of such person, group or association designated by the mayor to perform any duty under this chapter.

*Division.* The division of animal control unless otherwise specifically designated.

*Domesticated.* Any animal kept, cared for, sheltered, fed or harbored for use as a pet, for work or as a source of food, raw materials or income.

*Free roaming cat.* Any cat that is not owned that is wild and undomesticated.

*Impounded.* Having been received into custody of the division, any member thereof or any authorized representative thereof.

*Inoculation or inoculation against rabies.* The vaccination or inoculation of a dog with an antirabic vaccine approved by the state board of health at such time or times as shall be required by the general statutes of South Carolina in accord with section 47-5-60, Code of Laws for South Carolina, 1976 as amended.

*Owner.* Any person, groups of persons or entity possessing, keeping, having charge of, sheltering, feeding, harboring or taking care of any animal covered by this chapter.

*Strict voice control.* Demonstrable control or governance of the behavior of any animal as if such animal were controlled by a leash.

**Cross reference—** Rules of construction and definitions generally, § 1-2.

##### Sec. 5-2. - Inspections and right of entry.

(a) Whenever it is necessary to make an inspection to enforce any of the provisions of or perform any duty imposed by this chapter, or other applicable law, or whenever the superintendent or any authorized member of the division has probable cause to believe that there exists in any building or upon any premises any violation of the provisions of this chapter or other applicable law, the superintendent or any authorized member of the division is hereby empowered to enter such property at any reasonable time and to inspect the same and perform any duty imposed upon the superintendent or any authorized member of the division by this chapter or other applicable law, but only if the consent of the occupant or owner of the property is freely given or a search or inspection warrant is obtained as hereinafter provided:

(1) If such property is occupied, he shall first present proper credentials to the occupant and request entry, explaining his reasons therefor; and

(2) If such property is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the property, present proper credentials and request entry, explaining his reasons therefor; and

(3) If such entry is refused or cannot be obtained because the owner or other person having charge or control of the property cannot be found after due diligence, the superintendent or an authorized member of the division shall obtain a warrant to conduct a search or inspection of the property.

(b) Notwithstanding any other provision of this chapter, the superintendent or any authorized member of the division shall have the authority to enter upon any property to enforce the provisions of this chapter if a violation of such law is being committed in the presence of such officers of the division. "Committed in the presence of such officers of the division" shall not be construed to refer to any alleged violation of this chapter or other applicable law which is committed within any building or other enclosed structure or yard unless such officer is also lawfully within such building or enclosed structure or yard. No member of the division or any other officer

shall enter a residence or place of business for any purpose without a warrant, unless the consent of the owner or occupant is freely given to such entry.

**Sec. 5-3. - Impounding; duty of division members.**

It shall be the duty of the superintendent or any authorized member of the division to take up and impound in the animal shelter, to take up and immediately deliver to the division or to notify the division of the presence of those animals which are authorized and directed to be taken up and impounded by this chapter, or which are found or kept contrary to the provisions of this chapter. Such officers are authorized to go upon unenclosed lots or lands when necessary to enforce the provisions of this chapter.

**Sec. 5-4. - Animals at large prohibited.**

(a) No person owning or having possession, charge, custody or control of any animal shall cause, permit or allow the animal to stray or in any manner to run at large in or upon any public street, sidewalk, athletic field, athletic facility, or park or upon the property of another, if such animal is not under a physical restraint or a leash so as to allow the animal to be controlled. The length of a leash shall not be more than (16) sixteen feet long.

(b) Animals may be permitted to occupy a city park or an area of a city park under sufficient strict voice control without physical restraint or a leash when the director of the department of parks determines that during certain hours or under certain conditions animals may be permitted to occupy a city park or an area of a city park under strict voice control and posts the city park accordingly.

(c) No animal of any kind shall be permitted on any tennis court, fenced recreation field, or athletic field at any time, even if such animal is physically restrained, leashed or otherwise controlled.

(d) When any animal destroys or damages any property, attacks, threatens to attack, or interferes with any person in any manner, becomes a nuisance, or strays onto the private property of another, there shall be a presumption of law that the animal was not under a physical restraint or a leash.

**Sec. 5-5. - Restraint of animals.**

Every person owning or having possession, charge, care, custody, or control of any animal shall keep such animal exclusively upon his own premises; provided, however, that, any such animal may be off such premises if the animal is restrained by a chain or leash or other means of adequate physical control, provided, however, that, when any animal destroys or damages any property, attacks, threatens to attack, or interferes with any person in any manner, becomes a nuisance, or strays onto the private property of another, there shall be a presumption of law that the animal was not restrained by a chain or leash or other means of adequate physical control. Any animal not in an enclosed or fenced area, except as otherwise provided in section 5-4, must be leashed at all times.

**Sec. 5-6. - Setting animals free for chase prohibited.**

It shall be unlawful for any person to set free any rabbit, hare or other animals in the streets of the city for the purpose of chasing or having a race thereafter.

**Sec. 5-7. - Keeping and displaying regulated.**

(a) It shall be unlawful for any person in the city to exhibit, keep, or display pets, animals, birds or fowl of any kind in show windows for a period longer than six (6) hours per day.

(b) It shall be unlawful for any person in the city to exhibit, keep or display pets, animals, birds, or fowl of any kind in any manner without shading such animals from the sun, and providing adequate food, water, and ventilation for their use.

(c) No person or persons shall keep, lodge or maintain in the same household in excess of three (3) cats more than one year of age and three (3) dogs more than one year of age in the city, except in a kennel or zoo of a governmental agency, an officially recognized humane society or an institution of higher learning, or in a commercial kennel, a retail establishment, a circus or an animal exhibition operated in compliance with city license, health and zoning regulations.

**Sec. 5-8. - Keeping cows and goats prohibited.**

It shall be unlawful for any person to keep or maintain any cow or goat within the corporate limits of the city except at a distance more than one hundred fifty (150) feet from any dwelling, other than the dwelling of the person so keeping such animals, unless written permission is obtained from the residents and owners of such dwellings that may be within one hundred fifty (150) feet of the place where such animals are to be housed or maintained, and under such conditions that are approved by either the health officer, the public safety and housing officer or the division of animal control relating to the appropriate care and security of said animals.

**Sec. 5-9. - Keeping swine and poultry prohibited.**

It shall be unlawful for any person to keep or maintain any hogs, pigs or poultry within the corporate limits of the city except at a distance more than one hundred fifty (150) feet from any dwelling, other than the dwelling of the person so keeping such animals, unless written permission is obtained from the residents and owners of the dwelling within one hundred fifty (150) feet of where such

animals are to be housed or maintained, and under such conditions as are approved by either the health officer, the public safety and housing officer or the division of animal control relating to the appropriate care and security of the animals.

**Sec. 5-10. - Reckless riding and driving.**

It shall be unlawful for any person to run, drive or ride any animal in a reckless, disorderly or careless manner through or over any of the streets of the city.

**Sec. 5-11. - Driving loose or unhaltered horse, mule or cow on streets.**

No person shall drive, or cause to be driven, through the streets of the city any loose or unhaltered horse, mule or cow; nor shall the owner of any horse, mule or cow knowingly permit the same to be driven loose through the streets of the city; nor shall the keeper of any public stable knowingly permit any loose or unhaltered horse, mule or cow to be driven from his stable into the streets of the city.

**Sec. 5-12. - Stallion, jackass and bull exhibitions regulated.**

It shall be unlawful for any person to show or exhibit a stallion, jackass or bull in any of the streets of the city, or to stand a stallion, jackass or bull within the limits of the city, except at such places as shall be approved by the superintendent.

**Sec. 5-13. - Squirrels and song birds protected.**

It shall be unlawful for any person to willfully or wantonly kill or maim any squirrel or song bird, or rob the nest of either; provided, however, with the approval of the superintendent or his authorized representative, any person shall be allowed to kill any squirrel which has become a nuisance upon the person's premises, except during the time or season such killing may be prohibited by state law.

**Sec. 5-14. - Dead animals.**

No person shall place or leave the carcass of any dead animal or fowl in any street, alley or lot, or allow the same to remain on his lot.

**Sec. 5-15. - Sale or gift of fowl or rabbits under certain conditions prohibited; changing their natural color also prohibited.**

(a) It shall be unlawful for any person to sell, offer for sale, barter, or give away baby chickens, ducklings, or other fowl under three (3) weeks of age, or rabbits under two (2) months of age, as pets, toys, premiums or novelties; provided, however, that, this section shall not be construed to prohibit the sale or display of such baby chickens, ducklings, or other fowl, or such rabbits, in proper facilities by breeders or stores engaged in the business of selling for purposes of commercial breeding and raising.

(b) It shall also be unlawful to color, dye, stain or otherwise change the natural color of baby chickens, or other fowl, or rabbits.

**Sec. 5-16. - Acts deemed public nuisance.**

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, or to permit a female dog to run at large during its estrous cycle.

**Sec. 5-17. - Keeping stray animals; requirements; failure to surrender.**

(a) It shall be unlawful for any person in the city to knowingly and intentionally harbor, feed, keep in possession by confinement, or otherwise, any animal which does not belong to him unless he has, within twenty-four (24) hours from the time such animal came into his possession, notified the department. Upon receiving such notice, the division shall take such animal and place it in the animal shelter and shall deal with it as provided in section 5-51 of this chapter.

(b) It shall be unlawful for any person to refuse to surrender any such stray animal to the division, any authorized member of the division or the authorized representative thereof, upon demand of such person.

**Sec. 5-18. - Keeping of animals which disturb peace, comfort or health.**

No person shall keep within the city limits any animal which by reason of frequent or continual noise or unsanitary conditions disturbs the peace, comfort or health of neighbors.

**Sec. 5-19. - Vicious animals.**

It shall be unlawful for any person to own, keep, have charge of, shelter, feed, harbor or take care of any vicious animal within the city limits. For the purposes of this section the term vicious animal shall mean any animal that, according to the records of animal control authority or the municipal court:

(1) Has killed a human being;

(2) Has inflicted injury on a human being that requires medical treatment;

- (3) Has killed a domestic animal without provocation; or
- (4) Has been previously determined to be a vicious animal by the animal control authority, and the owner has received notice from animal control authority or an animal control officer of such determination; and the animal has inflicted an injury on a human being that does not require medical treatment, injures a domestic animal, or threatens the safety of humans or domestic animals.

**Sec. 5-20. - Teasing and molesting.**

It shall be unlawful for any person to tease, molest, bait, or in any way bother any animal not belonging to him or legally under his control.

**Sec. 5-21. - Injuring animals; notice required.**

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

**Sec. 5-22. - Establishment of bird sanctuary; exceptions for hunting.**

The territory embraced within the corporate limits of the city or the police jurisdiction thereof is hereby declared to be a bird sanctuary; provided however that nothing herein shall be construed to prohibit the lawful hunting of game birds, as defined by S.C. Code, Section 50-1-30(1), as amended, on lands within the city that are zoned to permit such use.

**Sec. 5-23. - Injury of certain birds or nests.**

It shall be unlawful for any person to kill, maim or injure any wild or migratory bird, or to destroy, rob or molest the eggs or nests and breeding places of any birds.

**Sec. 5-24. - Exemptions to certain chapter provisions.**

The provisions of this chapter requiring certain animals to be licensed or inoculated shall not apply to those animals owned by or in charge or care of persons who are non-residents of this city traveling through the city or temporarily sojourning herein for a period not exceeding thirty (30) days; nor to animals temporarily brought into this city for the exclusive purpose of entering the same in a show or other exhibition and entered for and kept at such show or exhibition.

**Sec. 5-25. - Notice of violations; procedure; punishment.**

(a) In discharging their duties under this chapter, the superintendent and authorized members of the division of animal control are hereby empowered to issue citations to any person if there is probable cause to believe that he has violated any of the provisions of this chapter. Citations so issued may be delivered in person to the violator by the superintendent or any member of the division of animal control, or they may be mailed to the person so charged, if he cannot be readily found. Any notice of citation so delivered or mailed shall direct the alleged violator to appear at the municipal court on a specific day and hour named in the notice. The chief judge of the municipal court may set a bond which may be forfeited by the violator in lieu of an appearance in court.

(b) The superintendent of the division shall cause all notice forms to be serially numbered in triplicate and shall cause the records with respect to such notice forms and the disposition of the same to be so maintained that all such forms shall be capable of being accounted for. The director of the department of administrative services, or his representative, shall periodically investigate the records of the division for the purpose of determining the disposition of such notice forms, and shall report the result of such investigation to the mayor. For the purpose of making this investigation, he shall have access to the necessary records of the division.

(c) If an alleged violator of any section of this chapter does not appear in the municipal court in response to the notice described in paragraph (a) of this section and does not post bond, the chief of police shall cause a notice to be sent to such violator informing him of the violation and warning him that he will be held responsible to appear in answer to such charges, and in the event that such notice is disregarded for a period of five (5) days from the date of the mailing of this second notice, a complaint will be filed and a warrant of arrest issued.

(d) Violation of any section of this chapter or any subsection of this chapter shall be punishable as provided in section 1-16 of this Code.

**ARTICLE II. - DIVISION OF ANIMAL CONTROL**

**Sec. 5-36. - Created; appointment of superintendent.**

The presence of any stray animal, as hereinafter defined, within the corporate limits of the city is hereby declared to be a public nuisance. The city council finds that such animals are a threat to the health of the community and to the safety of persons and property alike. In order to abate this problem there is hereby created within the police department a division of animal control which shall be composed of a superintendent appointed by the chief of police to serve as head of the division, and such other employees as the city council shall deem necessary.

**Sec. 5-37. - Duties; personal liability.**

The division of animal control shall be charged with the responsibility of:

- (1) Seeing that all dogs in the city are duly licensed and adequately inoculated against rabies;
- (2) Seeing that all equine animals are duly licensed;
- (3) Cooperating with the health officers of the various state governmental units and assisting in the enforcement of the laws of the state with regard to the control of animals, and especially with regard to the vaccination of dogs against rabies;
- (4) Investigating all complaints with regard to animals covered by this chapter;
- (5) Making such canvasses of the city and keeping such records thereof as it deems necessary for the purpose of ascertaining that all dogs and equine animals are properly licensed and that all dogs are vaccinated against rabies;
- (6) Enforcing within the city all of the state laws, ordinances enacted by the city, and contracts entered into by the city for the care, control and custody of animals covered by this chapter;
- (7) Supervising and being in charge of a city-owned animal shelter, if any;
- (8) Receiving applications for and issuing licenses for all animals.

**Sec. 5-38. - Division members as peace officers; issuing badges; firearms.**

(a) Each person while performing his respective duties shall wear a uniform and a metallic badge of a size and design to be determined by the chief of police.

(b) The superintendent and authorized members of the division shall not and are not hereby authorized to carry on their persons firearms of any kind. However, the superintendent and authorized members of the division may store at the animal shelter or carry in division vehicles, tranquilizer guns approved for use by the chief of police and use such tranquilizer guns when necessary to enforce sections of this chapter or other applicable law for the control of wild, vicious or diseased animals; provided, however, that, since the use of a tranquilizer gun may endanger an animal's life, tranquilizer guns shall be used only when the need for apprehension of wild, vicious or diseased animals is sufficient to risk fatal injury to the animal.

**ARTICLE III. – IMPOUNDMENT****Sec. 5-51. - Impounding of animals.**

(a) An animal control officer is authorized to capture and impound, in a place maintained or designated for that purpose, any animal that is stray, free roaming, at-large or as otherwise authorized by this chapter.

(b) Impounded dogs and cats, whether tagged, licensed, or stray, shall be sheltered and cared for five (5) working days, excluding the day of capture (intake), the day of release (disposition) and official holidays recognized by the city.

(c) All other animals shall be sheltered and cared for in the same manner as dogs and cats, with the exception of a wild animal that is endangered or threatened or otherwise protected from destruction by law.

**Sec. 5-52. - Voluntary surrender by owner.**

Every owner who voluntarily surrenders an animal must provide photo identification and sign a form acknowledging that the surrender is voluntary and acknowledging the discretion of the animal shelter to dispose of the animal. Neither the city nor the animal shelter shall be liable for the disposition of any voluntarily surrendered animal after receipt of the animal from its owner.

**Sec. 5-53. - Animals without proper care due to neglect.**

(a) Whenever any animal is kept within any building or on any premises without food, water, or proper care and attention due to neglect by the owner, it shall be the duty of any animal control officer to enter such building or premises to take possession of and remove such animal so abandoned or neglected. Such entry shall be effected in accordance with section 5-2 of this chapter. Whoever is convicted of cruelty to animals shall be punished as provided in section 1-16 of this Code.

(b) Every person maintaining a pet shop shall post a notice clearly visible from the ground level adjacent to the store, containing the names, addresses and telephone numbers of persons to be notified during any hour of the day or night by an animal control officer acting under the authority of section 5-2.

**Sec. 5-54. - Same—Animals without proper care due to incapacity or involuntary absence of owner.**

Whenever the division or authorized representative finds that any animal is or will be without proper care because of injury, illness, incarceration or other involuntary absence of the person responsible for the care of such animal, the division or authorized representative may impound such animal until reclaimed by its owner. The owner must pay the applicable fees in the same manner as any other owner would redeem an impounded animal prior to the release of such animal by the division or authorized representative. Any animal which has been impounded and not reclaimed for ten (10) days after the circumstances causing the impounding have ceased to exist may be disposed of by the division or authorized representative pursuant to section 5-60.

**Sec. 5-55. - Notice to owner of impoundment.**

Upon impounding an animal that is licensed, tagged, or otherwise identifiable through microchip or tattoo, the animal shelter shall promptly notify the owner by telephone, mail or in person. Such notice shall advise the owner of the period for impoundment. Animal control officers, at their discretion, may make a reasonable inquiry in the immediate vicinity in which a stray is picked up in order to locate the owner, if any, of a stray animal.

**Sec. 5-56. - Redemption by owner.**

(a) Except as otherwise provided in this chapter, the owner of any impounded animal may redeem the animal, upon payment to the city or its authorized agent of the following:

- (1) An impound fee for each animal redeemed;
- (2) A boarding fee per animal, per day;
- (3) All outstanding fines, except for any fine of which a timely appeal is pending;
- (4) All veterinary charges, drug and other medical expenses;
- (5) The cost of sterilization or a sterilization deposit, as applicable;
- (6) The cost of rabies vaccinations, if applicable; and
- (7) The cost of license and registration, if applicable.

At the request of the owner, the animal shelter shall provide an itemized list of charges.

(b) Any animal that is impounded more than three (3) times within a year shall not be allowed to remain in the city.

**Sec. 5-57. - Sterilization.**

*Sterilization; intact redemption fee.* No impounded fertile animal may be redeemed without first having been surgically sterilized and a fee paid therefor, which fee shall not exceed the then existing sterilization fee charged by the shelter, unless:

- (1) It is the first time the animal has been impounded and the owner of the animal pays a redemption fee of five hundred dollars (\$500.00) to redeem the animal intact. If an intact animal is impounded for a second or subsequent time the animal may not be redeemed without first having been surgically sterilized and a fee paid therefor, which fee shall not exceed the then existing sterilization fee charged by the shelter;
- (2) The owner of the animal or person entitled to custody thereof can furnish a statement by a licensed veterinarian that for medical reasons, the spay or neuter procedure is not advisable at this time; or
- (3) The owner of a purebred animal or person entitled to custody thereof can furnish proof of participation in at least one (1) nationally recognized conformation or obedience show within the past twelve (12) months, and the owner of the animal pays a redemption fee of five hundred dollars (\$500.00) to redeem the animal intact.

The above provisions shall only apply to animals whose owner's residence is within the incorporated areas of the City of Charleston. Sterilization under this section shall not take place sooner than after the fifth working day following the animal's impoundment, or when the owner consents in writing to the sterilization, whichever is sooner. In the alternative to having the shelter sterilize the animal, the owner may arrange for the animal to be sterilized by a veterinarian of the owner's choosing, and the owner must pay all costs of such sterilization. If an owner chooses this method, the shelter shall transport the animal to the veterinarian for sterilization, unless the veterinarian or his/her designee transports the animal to the veterinarian's facility. The owner may retrieve the animal from the veterinarian's office following sterilization. The owner must provide proof of sterilization to the shelter within seven (7) days of sterilization. The shelter must give written notice of the policies and options regarding redemption and sterilization set forth herein to owners seeking to redeem their animals.

**Sec. 5-58. - Proper identification and address verification.**

In order to redeem or adopt an animal, a person must be at least eighteen (18) years of age, provide photo identification and a recent utility bill or other proof of legitimate residency. The animal shelter may require verification of the address prior to adoption or redemption. If the person attempting to redeem or adopt an animal is using the address of another person, that person must cosign and consent to housing the animal at that address.

**Sec. 5-59. - Conditions preventing redemption or adoption.**

- (a) No animal that has been in recent contact with a rabid animal may be redeemed or adopted until the animal has been held for the prescribed period of observation.
- (b) No animal that is infected with, or is suspected of being infected with, any dangerous disease that is communicable to humans or other animals including, but not limited to, rabies, distemper, and parvo virus, as determined by a veterinarian, may be redeemed or adopted.
- (c) No animal prohibited by law from being kept as a household pet may be redeemed or adopted.
- (d) At the discretion of the animal shelter, an animal that is not subject to adoption or redemption may be medically treated and placed with a facility or agency equipped for care of such animal, or the animal may be humanely destroyed.

**Sec. 5-60. - Disposition of unredeemed and surrendered animals.**

The animal shelter at its discretion, may adopt, place for adoption, medically treat and/or place with an appropriate facility or agency equipped for care of such animals, or humanely dispose of any impounded animal that is not redeemed by the owner, if any, after the time period provided in section 5-51, and any animal that is voluntarily surrendered, after the time period provided in section 5-51. No unredeemed animal or voluntarily surrendered animal may be disposed of by selling or giving such animal to any person or entity for the purpose of using the animal for experimentation, for medical or other research, or for food or other commercial processing. Animals may be placed with foster homes to provide shelter for animals requiring extended care in order that they may become adoptable. No member of the city's animal control division shall directly, or indirectly, adopt any impounded animal.

**Sec. 5-61. - Disposition of free roaming cats.**

(a) *Findings of fact.*

- (1) City council finds that free roaming cats may be in violation of law and constitute a public safety and health threat to the citizens of the City of Charleston; and
- (2) City council finds that intact free roaming cats contribute to the problem of strays and animal overpopulation and the city seeks to reduce the free roaming cat population by instituting a program that will reduce free roaming cat populations in the long term; and
- (3) City council finds that it is the goal of city council for this program to include ownership of free roaming cats when possible to ensure that yearly vaccinations of the free roaming cats will occur; and
- (4) City council finds that the American Society for the Prevention of Cruelty to Animals will provide initial funding for two (2) years to local animal care organizations for the establishment of the free roaming cat program ("program"); and
- (5) City council finds that it is expressly understood that funding will come from other agencies within the city when the initial funding expires, and if no funding for the program exists then the program will be suspended until funding can be reestablished; and
- (6) City council finds that it is in the best interests of the City of Charleston and its citizens to amend the Code of Ordinances for the City of Charleston to add a section establishing a free roaming cat program.

(b) *Free roaming cats.*

- (1) Free roaming cats shall be allowed in the City of Charleston 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 microchipped.
  - d. Cat must be vaccinated for rabies, feline viral rhinotracheitis, calicivirus, and panleukopenia.
  - e. Cat must be ear tipped.
- (2) Free roaming cats shall only be allowed as long as they do not create a nuisance. For the purpose of this section and this program "nuisance" shall be defined as anything which interferes with the enjoyment of life or property. The City of Charleston's Animal Control Division may determine if a free roaming cat is a nuisance and shall use information obtained from citizens complaining about a free roaming cat and their expertise to determine if a free roaming cat is a nuisance. In addition, any cat trapped three (3) or more times shall be deemed a nuisance and transported to a local designated animal shelter where it will be humanely euthanized or relocated, which shall be at the discretion of the animal shelter.

(3) A free roaming cat shall be returned to the area where it was trapped, unless a request from the property owner or the caretaker of the property where the cat is trapped, requests that the cat be relocated to a location other than where it was trapped.

(4) The city shall have no liability for the disposition of any cat entered into a free roaming cat program.

(5) The city may review any free roaming cat program two (2) years after its inception to assess its functionality and success.

**Sec. 5-62. - Records of impounded animals.**

The animal control shelter shall keep a record of each animal impounded by it, the date of receipt of such animal, the date and manner of its disposition, and if redeemed, reclaimed, or adopted, the name of the person by whom redeemed, reclaimed, or adopted, the address of such person and the amounts of all fees received or collected for or because of the impounding, reclaiming, or adopting thereof, together with the number of any tag and the date of any license exhibited or issued upon the redemption or adoption of any such animal.

**Sec. 5-63. - Severability.**

If, for any reason, any part of this article is invalidated by a court of competent jurisdiction, the remaining portions of this article shall remain in full force and effect.

**ARTICLE IV. - LICENSES AND TAGS**

**Sec. 5-71. - Tags and licenses.**

(a) All animals as described in subsection (g) and (h) hereof shall be subject to registration with the division of animal control. Upon filing with the division an application for registration and the payment of the established fee, if any, the applicant shall be given a license tag for the animal being registered.

(b) One tag shall be issued per animal registered, and such tag shall not be transferred to any other animal. In the event that a tag is lost, it shall be the responsibility of the animal owner to notify the division and to secure from the division within thirty (30) days of the recognition of the loss of the tag, a new tag for the animal and to remit the appropriate fee as may be established by city council.

(c) An animal registered pursuant hereto that is transferred to a new owner within the city shall be re-registered to reflect its current ownership. The responsibility for the same shall be that of the new owner.

(d) It shall be unlawful for any person to use a tag on any animal other than the animal for which the tag was issued, to fail to re-register its animal per subsection (c) hereof or to file false information with the division in order to secure a tag. A violation of this provision shall cause the license tag to be revoked, in addition to any other remedy as may be provided by law.

(e) It shall be the responsibility of the division to devise and have available appropriate application forms for tags. At a minimum, such forms shall call for the type, gender, age and name of the animal, its most recent rabies vaccination date, and the name and address of the owner and applicant.

(f) City council shall establish such fees as it deems appropriate for the registration or re-registration of animals and such other fees as it may deem appropriate in carrying out the provisions hereof.

(g) It shall be unlawful for any person:

(1) To permit any dog under his/her care, custody or control and which is over four (4) months old to appear or be on any street, park, or public way of the city, or in any public place therein, unless the dog is wearing a collar or harness to which is attached a city dog license tag;

(2) To fail to provide any dog under his/her care, custody or control and which is over four (4) months old with a city license; provided that any dog owner who shall move into the city for purposes of establishing residency or who shall become a resident as a result of any annexation shall have thirty (30) days from and after moving into the city or the effective date of annexation to obtain such license.

(h) It shall be unlawful for the owner of any equine animal:

(1) To permit any equine animal over four (4) months old to appear or be on any street, park or public way of the city, or in any public place therein, unless such animal is wearing a collar or harness to which is attached a city equine animal license tax tag which has been issued for such equine animal;

(2) To fail to provide any equine animal over four (4) months old with a city license; provided that any owner of an equine animal who shall move into the city for purposes of establishing residency or who shall become a resident as a result of annexation shall have thirty (30) days from and after moving into the city or the effective date of annexation to obtain such license.

(i) Nothing herein shall be construed in any manner to exempt or otherwise limit the application or enforcement of any other law or regulation, whether state or local, pertaining to the care, custody or control of animals, it being the intent hereof to supplement, as opposed to replace, such laws or regulations.

(j) Any animal as described in subsection (g) and (h) that has a current registration from the division as of the effective date of this section shall be deemed to be registered pursuant to this section.

**Sec. 5-72. - Replacing tags.**

If the owner of any animal required to have a license tag has paid for and procured the license tax tag and/or the rabies vaccination tag and the animal has been taken to the animal shelter by reason of the loss of either of such tags, the owner of such animal shall have the privilege of identifying his animal and proving the payment for and procurement of such tags prior to the date such animal was taken up and, in that event, such animal shall be returned to the rightful owner upon the payment of the redemption fee as the cost of taking such animals to the shelter.

**Sec. 5-73. - Issuance of license to repeat violators restricted.**

No license shall be issued to any person who has been found to have twice violated sections 5-16, 5-17 and 5-18 of this Code for a period of two (2) years after the time of the last violation. No license shall be issued to any person who has been found to have violated section 5-86 of this Code for a period of three (3) years after the violation.

**Sec. 5-74. - Licenses; right to sue for recovery or penalty.**

The amount of any license tax imposed by this chapter shall be deemed a debt to the city. Any person owning, having or keeping any animal in the city without having obtained a license to do so shall be liable to an action in the name of the city in any court of competent jurisdiction for the amount of any license tax or penalty imposed by and required by this chapter to be paid for the privilege of keeping and having such animal. The superintendent is authorized to cause a complaint to be filed against any person violating any of the provisions of this chapter and to cause an action to be brought against any person failing to pay any license tax required by the provisions of this chapter for the recovery of such tax. Such action shall be cumulative and shall not be deemed as a bar to or a waiver of the right to institute any other civil or criminal proceeding for a violation of this chapter.

**ARTICLE V. - RABIES CONTROL**

**Sec. 5-86. - Duty of owner or custodian and procedure in suspected cases; penalty.**

(a) Any animal which shows symptoms of rabies, or which has bitten anyone, shall be penned up immediately by its owners, or by the person having charge of the animal, or by the person sheltering, feeding, harboring, or taking care of such animal, and the division shall be notified immediately. The animal shall be confined in a place approved by the superintendent of the division or his authorized representative, and under conditions approved by him or his authorized representative for not less than ten (10) days. The animal shall be subject to observation by the division, or its authorized representative under the auspices of a veterinarian at all times during such period.

(b) If rabies does not develop within such period, then the animal shall be released to his owner, but if rabies does develop, the animal shall be destroyed by the division or its authorized representative in a humane manner and under the auspices of a veterinarian.

**ARTICLE VI. - WILD ANIMALS**

**Sec. 5-101. - Permit for keeping—Required.**

No person shall have, keep or maintain any wild, exotic, dangerous or non-domestic animal or reptile without first applying to and receiving from the division a permit to do so; provided, however, that, the keeping or maintenance of such animals shall conform to any applicable zoning regulations.

**Cross reference—** Licenses, permits and miscellaneous business regulations, Ch. 17.

**Sec. 5-102. - Same—Authority of division.**

(a) The division is hereby invested with the authority to issue permits to any person for the keeping or maintaining of any wild, exotic, dangerous or non-domestic animal or reptile when, in the opinion of the superintendent, any such animal or reptile may be kept or maintained without menacing the safety of any person or property; provided, however, that, the division may require any such animal or reptile to be properly caged or secured or may make additional rules or regulations regulating the keeping or maintaining of any such animal or reptile, and may revoke any such permit for any violation of any of the provisions of this chapter or of any of the rules and regulations of the division, or when, in the opinion of the superintendent, the safety of any person or property is menaced by the keeping of any such animal or reptile.

(b) The division shall also have authority to issue permits for the keeping or maintaining, on a temporary basis, of all types of wild animals or reptiles in connection with a circus, amusement enterprise or animal exhibition when located in a zone wherein such uses are permitted.