

ORDINANCE 2021-16

AN ORDINANCE AMENDING TITLE 6, HEALTH AND SANITATION, CHAPTER 2, ANIMALS, ARTICLE B, DOGS, OF THE CITY OF ISLE OF PALMS CODE OF ORDINANCES TO PROVIDE REGULATIONS FOR VICIOUS AND DANGEROUS DOGS, TO PROVIDE DEFINITIONS THEREFOR, TO REQUIRE REGISTRATION OF DANGEROUS DOGS, AND TO PROVIDE FOR CIVIL AND OTHER PENALTIES.

BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL MEMBERS OF THE CITY OF ISLE OF PALMS, SOUTH CAROLINA, IN CITY COUNCIL ASSEMBLED:

SECTION 1. That Article B, "Dogs," is hereby amended by deleting Section 6-2-14, "Running at large prohibited; exceptions," in its entirety and replacing it with a new Section 6-2-14 titled "Running at large prohibited; exceptions; impoundment," to state as follows:

"Sec. 6-2-14. Running at large prohibited; exceptions; impoundment.

- (a) No person owning, having an interest in, harboring or having charge, care, control, custody or possession of any dog shall cause or permit the dog to be off the premises of its owner or custodian, unless such dog is securely confined by a strong leash, securely and continuously held by a competent person owning, having an interest in, harboring, or having charge, care, control, custody or possession of the dog, or unless the dog is confined within a vehicle, within an enclosure surrounded by an adequate fence or within a house. Provided, however, that a dog owner or other person charged with the custody and control of a dog may allow the dog to roam at large on the beach between the hours of 4:00 p.m. to 10:00 a.m. from September 15 through March 31, and between the hours of 5:00 a.m. to 9:00 a.m. from April 1 through September 14. Such owner or custodian shall at all times be in close proximity to the dog, have a leash in hand, and have the dog under control. Nothing contained herein shall affect a dog owner or custodian's duty to comply with section 62-26 requiring the removal of animal excrement.
- (b) It shall be unlawful for any person to cause, permit, accompany or be responsible for the presence of any diseased dog on the streets

or public places of the City or allow the dog to run on the premises of another, at any time; unless and in addition to the other requirements of this chapter the dog shall be securely muzzled to effectively prevent it from biting any person or other animal.

- (c) It shall be unlawful for any person to keep a vicious dog unless under restraint by a fence, chain, or other means so that the dog cannot reach persons not on land owned, leased, or controlled by him. For purposes of this section, "vicious dog" means any dog evidencing an abnormal inclination to attack human beings or domestic animals without provocation, but has not injured a human being or domestic animal.
- (d) Any dog running at large or kept in violation of this section shall be impounded. The owner of a licensed dog shall be given notice that the dog may be claimed from the City kennel within three (3) days. A dog with no license or identification will be held in the City kennel for two (2) days. An owner claiming a dog must comply with all requirements of this article and pay to the City an impoundment fee as established by City Council. Dogs not claimed within the applicable holding periods will be transferred to the County SPCA for disposal."

SECTION 2. That Article B, "Dogs," is hereby amended by deleting Section 6-2-15, "Violation, impoundment, penalties," in its entirety and replacing it with a new Section 6-2-15 titled "Violation; penalties," to state as follows:

"Sec. 6-2-15. Violation; penalties.

- (a) It shall be unlawful for any person to fail to comply with the requirements of this article or to suffer or permit a dog to be a danger to the health, safety, or welfare of the public in violation of this article.
- (b) In addition to any civil penalties provided in this article, a violation of any provision of this article is a misdemeanor punishable pursuant to section 1-3-66."

SECTION 3. That Article B, "Dogs," is hereby amended by adding a new Section 6-2-17 titled "Dangerous dogs" to state as follows:

“Sec. 6-2-17. Dangerous dogs.

(A) Definitions.

(1) “Dangerous dog” means:

(a) a dog with a known propensity, tendency, or disposition to attack unprovoked, cause injury, or to otherwise endanger the safety of human beings or domestic animals;

(b) a dog which makes an unprovoked attack that causes bodily injury to a human being or domestic animal;

(c) a dog which commits unprovoked acts and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to a human being or domestic animal;

(d) a dog which is owned or harbored primarily or in part for the purpose of fighting or which is trained for fighting.

(e) An animal which attacks a person who is trespassing or who is unlawfully on the premises of the owner is not a “dangerous dog.”

(f) An animal is not a “dangerous dog” solely by virtue of its breed or species.

(2) “Owner” means a person who owns or has custody or control of the animal.

(3) “Injury” or “bodily injury” means (1) broken bones, (2) lacerations, (3) punctures of the skin, or (4) any physical injury resulting in death.

(B) No person owning or harboring or having the care or the custody of a dangerous dog may permit the animal to go unconfined on his or her premises. A dangerous dog 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 containing a dangerous dog 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 a dog owned by a licensed security company and on patrol in a confined area.

- (C) No person owning or harboring or having the care of a dangerous dog may permit the animal to go beyond his premises unless the animal is securely muzzled and restrained with a chain having a minimum tensile strength of 300 pounds and not exceeding three feet in length.
- (D) Penalties.
- (1) A person who violates paragraphs (B) or (C) of this section or who is the owner of a dangerous dog which attacks and injures a domestic animal shall be subject to a civil penalty of two hundred fifty (\$250.00) dollars for a first violation and five hundred (\$500.00) dollars for a subsequent violation. In addition, upon conviction of a first offense under paragraph (B) or (C) of this section, the owner will be required register the dog pursuant to paragraph (E) of this section.
 - (2) A person who is the owner of a dangerous dog which attacks and injures a human being shall be subject to a civil penalty of five hundred (\$500.00) dollars for each violation.
 - (3) A dangerous dog kept in violation of this section shall be immediately impounded. Impoundment shall continue until the resolution of the criminal charge and payment of all fines, fees and civil penalties.
 - (4) A dangerous dog which injures a human being or domestic animal may be ordered destroyed when in the court's judgment the dangerous dog represents a continuing threat of serious harm to human beings or domestic animals.
 - (5) 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 dog, and other expenses required for the destruction of the animal.
 - (6) Nothing in this section is designed to abrogate any civil remedies available under statutory or common law.
- (E) Registration. A person owning a dangerous dog shall register the animal with the City Police Department. The registration application must be accompanied by proof of liability insurance or surety bond of at least fifty thousand (\$50,000) dollars insuring or

securing the owner for personal injuries inflicted by the dangerous dog.

- (F) Notwithstanding any provision of this article to the contrary, the City's animal control officer or law enforcement officer shall be empowered to enforce the provisions of state law set forth under S.C. Code 1976, title 47, ch. 3, article 13, which are incorporated by reference as if fully stated herein. By virtue of the incorporation of state law into this chapter, the animal control officer or law enforcement officer shall be empowered to issue a uniform summons to the owner or keeper of a dangerous dog or to any person violating any provision of state law incorporated into this chapter."

SECTION 4. That should any part of this Ordinance be held invalid by a Court of competent jurisdiction, the remaining parts shall be severable therefrom and shall continue to be in full force and effect.


SECTION 5. That all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as the same affect this Ordinance.

SECTION 6. That this Ordinance take effect and be in full force immediately.

PASSED AND APPROVED BY THE CITY COUNCIL FOR THE CITY OF ISLE OF PALMS, ON THE 25 DAY OF January, 2022.


Phillip Pounds, Mayor

(Seal)
Attest:


Nicole DeNeane, City Clerk
First Reading: November 17, 2021
Public Hearing: _____
Second Reading: January 25, 2022
Ratification: January 25, 2022