

STATE OF SOUTH CAROLINA)
COUNTY OF SPARTANBURG)
CITY OF WELLFORD)

ORDINANCE #2023-0307-09
AMENDMENT TO ORDINANCE 1000 & 2014-1104

THE CITY OF WELLFORD ANIMAL CONTROL ORDANCE
TO PROVIDE

FOR MAINTATNING OF ANIMALS WITHIN THE CITY LIMITS, ACTS DEEMED A PUBLIC NUISNACE AND DANGEROUS ANIMALS TO PROVIDE A MECHANISM BY WHICH AN ANIMAL CAN BE DECLARED DANGEROUS PRIOR TO THE ANIMAL HAVING ATTACKED OR INJURED HUMANS OR DOMESTIC ANIMALS AND THE DISPOSTION THEREOF

WHEREAS the City of Wellford recognizes that some animals within the city have demonstrated a recognized pattern of dangerous and destructive behavior, or have established a pattern of creating a public nuisance: and,

WHEREAS, the city council desires to amend and/or supplement the current Wellford Code of Ordinance dealing with nuisance and vicious animals to provide a mechanism though which an animal can be declared a nuisance and/or potentially dangerous prior to a person or domesticated animal suffering serious injury and,

WHERAS, the actions of an animal constitute a public nuisance when the animal disturbs the rights of, threatens the safety of or injures a member of the public, damages property or interferes with the ordinary use and enjoyment of the property of others in the vicinity of where the animal is kept or properties affect by its running at large or creating a public nuisance.

NOW, THEREFORE, BE it ORDAINED by the Mayor and Council of the City of Wellford South Carolina, that the following Ordinances be adopted and amended as follows:

Sec. 4-1. **Definitions**

Abandonment: Deserting or intending to give up absolutely any animal without providing adequate food, water or sanitary shelter for 24 hours or longer.

Altered Animals: Any animal that has been spayed or neutered.

Animal: Any nonhuman vertebrate, whether wild or domesticated.

Animal Services Officer: The person(s) or office designated to enforce this chapter.

Animal Shelter: Any facility or premises designated by the City for the purpose of impoundment, care, or destruction of animals held pursuant to this chapter.

At large: Any animal not lawfully on the owner's/keeper's property or not under the immediate control of a competent person by way of leash or other similar restraining device. Voice command or use of audible signals or hand signals is not deemed to be sufficient control.

Breeder: Any person owning unaltered animals with the intent of selling the animals' offspring.

Cat: All member of the domestic feline family.

Circus: Commercial variety show featuring animal acts for public entertainment.

Commercial Animal Establishment: Any pet shop, grooming shop, kennel, auction, riding school or any other establishment licensed to deal in or with a volume of animals.

Dog: All members of the domestic canine family, not to include wild animals.

Domestic Animal: Any normal household pet, such as, but not limited to, dogs, cats, non-native birds, ferrets, hamsters, guinea pigs, gerbils, rabbits, fish, or small, non-venomous reptiles or non-venomous snakes.

Exotic Pet: An animal that is not domesticated and is not native to North America, including but not limited to, pot-bellied pigs, reptiles and arachnids.

Feral: An animal that was domesticated at one time, but now lives in the wild or that has been born in the wild and has not been domesticated.

Habitually: Done regularly or frequently.

Impound: To confine humanely while providing adequate food, water, and shelter.

Injury: Physical damage to the body or part of the body.

Kennel: Any facility wherein a person, business, or organization regularly keeps six or more dogs or other animals and receives compensation for the service or for the sale of the animals.

Neutered Male: Any male that has been surgically sterilized.

Owner or Keeper: Any person who (a) has a right of property in an animal; (b) keep or harbors an animal or has it in the person's care, or acts as its custodian for three (3) or more days.

Adequate Shelter: Shelter that is safe and protects the animal from injury, rain, sleet, snow, hail, the adverse effect of heat or cold, and physical suffering, and that is of a size sufficient for the animal to stand up and turn around. Portable pet carriers, wire crates, pet taxis or metal barrels are not adequate shelter.

Adequate Space: Sufficient space to allow the animal to easily stand, sit, lie, turn, and make all other normal body movements in a comfortable, normal position for the animal.

Rescuer: Any individual, partnership, organization or company that takes in animals and arranges placement or adoption of said spayed/neutered animals.

Restraint: An animal controlled by means of leash, secured on a cable or cable trolley system, or secured inside a vehicle while being driven or parked, or within a secure enclosure. (Voice command, using audible signals or hand signals are not viable means of restraint).

Shelter - For purpose of this provision, shelter is defined as an enclosed, weatherproof structure that is manufactured or constructed expressly for housing a pet that reasonably may be expected to protect the animal from physical suffering or impairment of health due to exposure to the elements or adverse weather. The shelter must be structurally sound with solid walls and roof or a similar type configuration with an opening allowing the pet to enter; which is accessible to the pet at all times; and which is of sufficient size and nature as to provide the pet with adequate protection from the sun, heat, cold, snow, ice or rain. There must be enough space suitable for the pet's age, size, and species and breed to permit it to turn about freely. The structure must be so

constructed or elevated enough off the ground to keep water, snow and ice from entering and allow the pet to remain comfortable in outside conditions.

Vicious or Dangerous Animals: Any animal (a) with the propensity or inclination to attack unprovoked, to cause injury to, or otherwise to endanger the safety of humans or domesticated pets; (b) which has attacked a human being or domesticated animal without provocation; or (c) which is trained to fight or attack humans or other animals.

Wild Animal: Untamed animal, living in its natural state, including but not limited to alligators, crocodiles, bears, feline family (including mountain lions, pumas, lions, tigers), canine family (including wolves, wolf hybrids, coyotes), non-human primates, and snakes.

Zoological Park: Any facility, other than a pet shop or kennel, displaying or exhibiting one (1) or more species of non-domesticated animals operated by a person, partnership, corporation or government agency.

Sec. 4-2 **Wellford Officer; Authority, Powers and Duties**

The Wellford officer, under the direction of the Chief of Police or their designee, shall be responsible for:

- (1) Ensuring that all animals in the city are duly licensed and are inoculated against rabies as required by this chapter.
- (2) Cooperating with the county health officer in the enforcement of the laws of the state with regard to animals, the vaccinations of dogs and cats against rabies and the disposition of animals found to be kept in violation of this article and the laws of the state.
- (3) Investigating all complaints with regard to dogs, cats and other animals.
- (4) Obtaining a search warrant to enter any premises upon which there is probable cause to believe that a violation of this chapter exists-with the search warrant, the officer may enter the premises to examine and take custody of animals whenever the animal services officer determines that the action is appropriate to achieve the purpose of this chapter.
- (5) Pursuit of animals. In exigent circumstances, the officer shall be authorized to follow and enter upon any enclosure or lot, public or private, within the city limits when the officer has probable cause to believe that an animal is rabid, abused, neglected, dangerous, vicious, or an imminent threat to the health, welfare or safety of the general public, and to take custody of the animal, when appropriate, to achieve the purpose of this chapter.

Sec. 4-3. **Interference of a law enforcement officer**

- (a) It shall be unlawful for any person to interfere with, hinder, or molest the officer in the performance of his/her duties or to seek to release any animal in the officer's

custody without his/her consent or to attempt to assist the officer without his/her consent, or to not provide the officer with proper identification, false identification or false information or to fail to comply with the officer's directions or orders.

- (b) It shall be unlawful for any person to interfere, damage, molest, move or remove any traps or restraining devices used by any Wellford Officer or any contracted agency that may be used from time to time or to release any animals from any such traps or restraining devices.

Sec. 4-4. **Nuisance Animals: Animal Control Procedures.**

- (a) The actions of an animal constitute a public nuisance when the animal threatens the safety of, or injures a member of the general public, damages property (public or private, including other animals), interferes with the ordinary use and enjoyment of the property of others in the vicinity of where the animal is kept, or properties affected by its running at large. An animal is considered a nuisance by way of example, but not limited to, the following acts or actions:
 - (1) The animal habitually or repeatedly chases, snaps at or attacks pedestrians, bicycles or vehicles.
 - (2) The animal is allowed or permitted to damage the property of anyone other than the owner or keeper or to impede the properties ordinary use even if the property is not damaged.
 - (3) The animal's unsanitary condition causes offensive odors, filth, vermin, or disease or is dangerous to the health and safety of the animal or the community.
 - (4) The animal makes sounds, such as but not limited to, barks, whines, crows, howls, or cackles in a continuous or unreasonable fashion to the complaint is valid, the officer will notify the owner or keeper of the animal in writing to correct the violation.
 - (5) If the owner or keeper is found to be in violation of this section, fail to correct the violation after five (5) business days of the notice, the animal shall be impounded, and the owner or keeper shall be subject to the penalties for this chapter.

Sec. 4-5. **Animal Noise.**

No person shall keep or maintain a dog or any other animal that barks, howls or otherwise makes or causes noise in excessive, continuous or untimely fashion. Excessive shall mean noise that is discernable and can be heard inside a neighboring residential dwelling by persons of ordinary sensibilities. The court shall consider untimely fashion in individual cases and in general consider hours that persons are at rest.

Sec. 4-6. **Animals to be Kept Under Restraint.**

All animals shall be kept under restraint at all times by the owner. Each owner shall exercise proper care and control of any animal(s) owned by him/her.

Sec. 4-7. **Running at Large.**

No person is permitted to allow any animal to run at large within the city. Any animal shall be deemed to be running at large when off or away from the premises of the owner, possessor or keeper or his agent or a member of his family, and not on a leash, cord or chain not more than (8feet) in length in the hands of the person immediately in charge of such animal.

Exempt from this chapter are a) those animals involved in an organized performance or training event and b) any animal used for law enforcement purposes by law enforcement personnel.

Sec. 4-8. **Impoundment of Animals.**

- (a) The Wellford Officers or other law enforcement agency shall take unrestrained and nuisance animals to the animal shelter for human confinement.
- (b) Impounded animals shall be kept for a minimum of five (5)-days before becoming the property of the animal shelter.
- (c) If any animal is identifiable by means of a tag, tattoo, microchip, or other means, the owner or keeper shall be notified by an impound notice conspicuously left upon the premises of the owner or keeper or by telephone.
- (d) The owner or keeper of an impounded animal shall pay all feeds associated with the impoundment of the animal.
- (e) It shall be the law enforcement officer's discretion to return any animal in violation of this section to its owner or keeper, provided that the owner or keeper is present and is able to safely and humanely confine or restrain the animal.

Sec. 4-9. **Limiting the Ownership of Dogs and Cats within the City Limits.**

- (a) It shall be unlawful to own, keep, harbor, or maintain any more than three (3) dogs and/or cats over the age of four (4) months in any combination thereof, on any property or lot within the City limits.

Sec. 4-10. **Prohibitions and Restrictions in Regard to Animals Permitted at Special Events.**

- (a) No owner or keeper shall permit any animal, restrained or not, to be in an area in which a special event is being held pursuant to a special event permit issued under this code, unless the event specifically authorizes the presence of animals.
- (b) This section does not apply to guide, hearing, or service dogs or other dogs which have been trained to accompany a person with a disability while being accompanied by a disabled person, or to any dog or horse in the custody or control of a law enforcement officer while the officer is in the performance of official duties.

Sec. 4-11. **Prohibited Animals.**

- (a) No person shall keep or maintain any horse, donkey, mule, ass, swine, sheep, goats, cattle or any other livestock or grazing type animal within the city limits.
- (b) It shall be unlawful for any person, firm or corporation to raise swine or maintain a pigpen within City limits of Wellford.
- (c) No person shall keep or maintain any domesticated fowl to include maintaining any domesticated fowl or other animals that were not previously precluded by the Ordinance. Any person having such animal must register the animal before January 1, 2019.

(d) Wild or exotic animals.

Unlawful act. It shall be unlawful for any person, firm, or corporation to keep, maintain, possess, or to have under their control within The City of Wellford, any venomous reptile or any other wild or exotic animal. The prohibition of venomous reptiles and wild and exotic animals is primarily based upon a concern to protect the health, safety and welfare of the citizen of Spartanburg County.

Definition. A wild or exotic animal shall be defined as one which would ordinarily be confined to a zoo, or one which would ordinarily be found in the wilderness of this or any other country or one which is a species of animal not indigenous to the United States or to North America, or to one which otherwise causes a reasonable person to be fearful of significant destruction of property or of bodily harm and the latter includes, but would not be limited to, such animals as monkeys, raccoons, squirrels, ocelots, bobcats, wolves, hybrid wolves, and other such animals or one which causes zoonotic diseases. Such animals are further defined as being those mammals or those nonvenomous reptiles weighing over 50 pounds at maturity which are known at law as *Ferae naturae*. Wild or exotic animals specifically do not include animals of a species customarily used in South Carolina as ordinary household pets, animals of a species customarily used in South Carolina as domestic farm animals, fish contained in an aquarium, birds or insects.

Exceptions. The provisions of this section shall not apply to lawfully operated and located pet shops, zoological gardens, scientific research laboratories, circuses, fairs, any licensed or accredited educational institutions, veterinarians harboring such animals for purposes of providing professional medical treatment or wildlife rehabilitators with proper permits, provided the animals are maintained in quarters so constructed and maintained as to prevent escape.

Compliance with state and federal regulations and safe confinement. The confinement of animals described under subsections (a) and (b) above, but exempt under subsection (c) above, must meet the regulations promulgated by the South Carolina Department of Natural Resources, the minimum standards under the Animal Welfare Act and all applicable rules promulgated by the United States Department of Agriculture. In addition to meeting the animal minimum standards, all such venomous reptiles and all such wild or exotic animals shall be confined, restrained and controlled in such a manner so the physical safety, or property, of any

person lawfully entering the premises shall not be endangered; this shall specifically require fully enclosed quarters for the animal so constructed as to prevent escape.

Wild animals on public rights-of-way. Animals described under subsections above, but exempt under subsections above, shall not be allowed on any public street, sidewalk, or other public way, except in a fully enclosed cage or adequate structural restraint. The use of a leash, with or without a muzzle, shall not be considered adequate restraint.

Notice requirement of wild/exotic animals owned prior to effective date of ordinance. The owner of any wild or exotic animal(s) shall have 90 days from the effective date of the ordinance to notify Spartanburg County Environmental Enforcement of the ownership of such wild or exotic animal and be required to provide the owner's name, type of animal and location of the animal(s).

Sec. 4-12. **Raising or Keeping Domesticated Female Chicken Generally.**

- (a) Purpose. The purpose of this section is to provide standards for the keeping of domesticated female chickens. It is intended to enable residents to keep a small number of domesticated female chickens on a non-commercial basis while limiting the potential adverse impacts on the surrounding neighborhood. The City recognizes that adverse neighborhood impacts may result from the keeping of domesticated female chickens. This section is intended to create licensing standards that ensure that domesticated female chickens do not adversely impact the neighborhood surrounding the property on which the chickens are kept.
- (b) The keeping of domesticated female 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:
 1. No more than six (6) domesticated female chickens shall be kept or maintained on a single premise. It shall be unlawful to keep roosters or more than six (6) domesticated female chickens. It shall be unlawful to keep or maintain domesticated female chickens at a duplex or apartment complex.
 2. Such domesticated female chickens must be confined in a coop which is fully enclosed with a solid floor and made of suitable, washable material. The coop shall be cleaned regularly with all droppings and excretions placed in a fly-proof container unless otherwise disposed of in accordance with any federal, state or local ordinance. The container shall be located at least fifty feet (50') from the nearest residence other than that of the owner.

No coop shall be placed in a front or side yard.

Failure to confine the domesticated female chickens, maintain the coop or manage the dropping and excretions in compliance with this section shall be unlawful.

3. It shall be unlawful to slaughter any domesticated female chickens on the premises.
4. It shall be unlawful to raise domesticated female chickens for commercial purposes within the corporate limits of the City.
5. It shall be unlawful to keep domesticated female chickens on premises within the City without first obtaining an approval of the location of the chicken coop and the issuance of an annual permit. Any annual permit would be subject to ordinance revisions adopted by Council. Should Council amend the Ordinance to prevent domesticated female chickens or any other new conditions, such amendment would apply to current permits within thirty (30) days from the date of adoption of Council's revisions.

(c) Fenced Chicken Coop.

1. Domesticated female chickens must be kept in a fenced enclosure at all times. In addition to the fenced enclosure, domesticated female chickens shall be provided with a covered, predator-resistant chicken coop.
2. The chicken coop and fenced enclosure must provide adequate ventilation and adequate sun, shade and must be constricted in a manner to resist access by rodents, wild birds and predators including dogs and cats.
3. Chicken coops shall be enclosed on all sides and shall have a roof and doors. Opening windows and vents must be covered with predator- and bird-resistant wire of less than one (1) inch openings.

Sec. 4-13. **Mistreatment/cruelty of Animals.**

Whoever abuses, cruelly treats, tortures, torments, deprives of necessary sustenance of shelter, inflicts unnecessary pain or suffering, overworks, overloads, overdrives any animals or causes the same to be done, shall for every offense be charged and punished in accordance with this ordinance.

- (a) No person shall starve, beat, neglect, ill-treat, torture, overload, overdrive, overwork, cruelly kill, or inflict unnecessary pain upon any animal.
- (b) No person shall leave an animal unattended in or tethered to a standing or parked motor vehicle in a manner that endangers the health and safety of the animal or any person.
- (c) Pet owners and caretakers who fail to provide their pets with proper food, water, and shelter violate the ordinance. It is also a violation to fail to provide such care as proper confinement, veterinary care and a healthful environment.
- (d) If a Wellford Officer finds a violation of this section, the officer shall seize and impound the animal and leave written notice of impoundment in a conspicuous

location about the premises. The animal will remain as evidence at the animal shelter pending the court's decision. If an owner or keeper is not found, the animal will irrevocably become the property of the animal shelter after five (5) days impound period.

Sec. 4-14. **Humane Treatment Required.**

- (a) No owner or keeper shall fail to provide clean, fresh water, food, adequate shelter and protection from the weather, veterinary care when needed to prevent suffering, and humane treatment. The owner or keeper must maintain a clean-living environment free of accumulated waste and debris so that the animal can walk and lay down without coming into contact with any waste or debris.
- (b) Adequate shelter means the provision of and access to shelter that is safe and protects the animal from injury, snow, hail, and the adverse effects of heat or cold, and physical suffering, and that is of a size sufficient for the animal to stand up and turn around.

For a dog confined outside, the term adequate shelter shall additionally mean that:

- (1) In winter months, the dog must have access to shelter with a roof, that has an entrance covered by a flexible wind-proofing material or self-closing door, that sits on a platform at least four (4) inches off the ground and that contains dry bedding, which shall consist of an...
- (c) No person shall crop a dog's ears or tail except a licensed veterinarian.

Sec. 4-15. **Abandoning Animals.**

No owner or keeper shall abandon an animal.

An animal shall be considered abandoned when deserted, forsaken, or given up without providing adequate food, water and sanitary shelter for 48 hours or longer.

No person shall leave or cause to be left any wounded, diseased or infirm animal on a street, alley, lot or commons to die. If an animal is found abandoned by its owner or keeper, the animal control officer may take custody and impound the animal.

The officer may enter private property to provide food and water for an animal during the 48 hours. If the animal's life is in imminent danger due to abandonment, the officer shall immediately take custody of the animal.

Sec. 4-16. **Animal Waste**

An owner or keeper walking, exercising or otherwise having their animal outside the confines of their own property, whether public or private, shall carry a means to pick up and dispose of excreta deposited by his/her animal by way of but not limited to, a scoop and a bag.

Sec. 4-17. **Striking Animals with a Motor Vehicle.**

Any person operating a motor vehicle, who strikes a domesticated animal, shall stop and render any assistance as may be possible and immediately report the injury or death to the Wellford Police Department or other law enforcement agency.

Sec. 4-18. **Animal Fighting and Training.**

- (a) No person shall instigate, cause to, attend, or permit any dog fight, cockfight, or any other fighting between animals or between animals and humans.
- (b) No person shall train, have equipment to, or permit the training of, any animal to attack, fight or cause injury to any domestic animal or human on any property, public or private within the city limits. Examples of training include, but are not limited to:
 - 1. Any activity designed to torment, badger or bait any animal, for purpose of encouraging animals to fight.
 - 2. The use of any weights on the animal, on the animal's tethering device, or on any kind of pulling structure.
 - 3. The use of any other animals for blood sport training.
 - 4. Any other activity that the primary purpose is to train animals to be aggressive or vicious. This does not apply to animals of licensed security companies on patrol in a confined area or animals used for law enforcement purposes.

Sec. 4-19. **Female animals in Heat.**

All female animals in season shall be kept inside a building or within a fence or other enclosure which limits the animals to a particular confined area so that the animal cannot encounter a male animal except for planned breeding. Persons who plan the breeding of animal and the selling of the resulting puppies must obtain a city business license.

When allowed outdoors to relieve itself, a female animal in season shall be on a hand-held leash and under the observation of its owner or keeper and must remain on the property of the owner or keeper. Female animals in season are not permitted to be walked on any public roadway or property.

Sec. 4-20. **Rabies Control; Wearing of Rabies Vaccination Tag.**

No person shall own, keep, or harbor any dog or cat over four months of age within the City of Wellford unless such dog or cat is vaccinated against rabies.

Inoculation. All dogs, cats and ferrets shall be vaccinated against rabies by a licensed veterinarian, in accordance with the latest "Compendium of Animal Rabies Prevention and Control" authored by the National Association of State Public Health Veterinarians and

published annually in the Journal of the American Veterinary Medical Association and approved by the South Carolina Department of Health and Environmental Control.

Proof of inoculation. A certificate of vaccination shall be issued to the owner of each animal vaccinated on a form recommended by the Compendium. Each owner shall also receive a durable vaccination tag indicating the year in which it was issued. The name and telephone number of the veterinarian, veterinary hospital, or practice. The rabies tag must be attached to a collar or harness and always worn by the pet.

Certificate available upon request. The owner shall have a valid certificate available for inspection by the animal or enforcement officer upon request.

Duplicate issue of tag. If a rabies or license tag is lost, the owner will obtain a duplicate tag without delay.

Notification of rabies control officer of attack. If a citizen is attacked or witnesses an attack on a person by an animal, he shall notify the rabies control officer in the health department. Whenever the animal control officer is notified that an animal has bitten or attacked a person, such officer shall promptly notify the county health department of such bite or attack and shall cooperate with the health department in impounding and quarantining the animal.

Current rabies license required. Any person who fails to have a current rabies license for their dog or cat shall be subjected to the penalties herein.

Removal of rabies license. It shall be unlawful for any person to remove the rabies tag from a pet as provided for in this chapter. The assertion that someone other than the owner removed such tag shall not be a defense to any action or procedures under this chapter, the owner being deemed, under this chapter, responsible for the attachment of the tag.

Sec. 4-21. **Poising Animals.**

It shall be unlawful to place substance or article which has in any manner been treated with any poisonous substance in any place accessible to human beings, birds, dogs, cats, or other animals with the intent to harm or kill animals. This section, however, does not preclude the use of commercially sold rodent poisons when applied in accordance with the manufacturer's directions for such use or Licensed Exterminators using poison as a pest control program.

Sec. 4-22. **Disposal of Dead Animals.**

The bodies of dead animals shall be disposed of by the owner or keeper. The owner or keeper shall not allow under any circumstances, a dead animal to remain outdoors on his/her property for longer than twenty-four (24) hours unless buried.

Sec. 4-23. **Animals in the City of Wellford**

All animals in the City of Wellford shall be kept in a fenced area, a pen or secure enclosure. No animal will be tethered for more than 2 hours within a 12-hour period.

- (a) Pens or Secure Enclosures: To utilize a pen or secure enclosure, the enclosure must be at least 100 square feet. A dog over eighty (80) pounds must be provided with an additional

fifty (50) square feet. For each additional dog inside the enclosure, fifty (50) square feet of space for exercise must be added per dog.

Tethering Regulations

- (b) Tethering of pets is restricted to 2 hours within a 12-hour period, and only a cable and trolley system may be used. No tethering to trees or posts/metal stakes is allowed.
- (c) All collars used to restrain an animal must be made of nylon, leather, or other durable material, and must be fitted so as to not cause injury to the animal or embed itself in the animal's neck. The use of chain, choke, pronged or pinch type collars as a primary collar is prohibited.
- (d) It shall be unlawful for any person to tie any animal, excluding livestock, to a stationary object. All animals that are tethered must be on a running line, pulley system or trolley.
- (e) No person may tether an animal in a manner that permits the animal to reach any alley, sidewalk, public street, or property not belonging to the owner or keeper.
- (f) No person may properly tether any animal to any lamppost, light pole, utility pole, awning post, tree, fence, hydrant, or shrubbery.
- (g) No person may tether an animal in such a manner that allows the animal to become entangled.
- (h) No person may tether an animal on a cable attached to a running line, pulling system or trolley, that is less than ten (10) feet in length.
- (i) No person may tether an animal by means of a pinch-type, prong-type, choke-type, or improperly fitted collar.
- (j) The purpose of the ordinance is to prevent the possibility of strangling when a dog becomes entangled in ropes and chains or surrounding objects. The ordinance also seeks to prevent dogs from being left exposed to harsh weather conditions without access to shelter and being unable to reach a supply of food and water.
- (k) Any device used to tether a dog must be at least 10-feet long and attached in a manner that prevents strangulation or other injury to the dog, or entanglement with objects, under the ordinance. A cable trolley system may be used to tether a dog for the allowed period if the stationary cable is at least 10-feet long and the dog can move perpendicularly at least 10-feet away from the stationary line. The line should be attached to the dog with a buckle-type collar or a body harness. The device used to tether can weigh no more than

10 percent of the animal's body weight and must allow the dog access to food and water. In addition to being a misdemeanor.

Shelter Regulations

- (l) Portable pet carriers, wire crates, pet taxis, and metal barrels do not provide adequate shelter for outside pets and therefore are banned from being used as forms of shelter.
- (m) Shelter during winter must have a roof, an entrance covered by a flexible wind-proofing material and must contain dry insulating bedding such as straw deep enough to allow the dog to burrow.
- (n) In all other months, dogs must have access to shelter shaded by trees, a roof, a tarp or tarp-like material for cover. Outside enclosures must be at least 100 sq. ft. for dogs weighing under 80 lbs. or 150 sq. ft. for dogs weighing over 80 lbs. For each additional dog within an enclosure, 50 sq. ft. must be added. Enclosures must be constructed with chain link or similar material and must be tall enough to contain the animal.

Sec. 4-24 Performing Animal Exhibits.

- (a) It shall be unlawful for any animal exhibit or circus to induce or encourage animals to perform through the use of chemical, mechanical, electrical, or manual devices in a manner that will cause or likely cause harm to the animal.
- (b) All equipment used on performing animals shall fit properly and be in good working order.
- (c) Animal Services Officers or any Wellford Officer may inspect any animal exhibit or circus to ensure compliance to this ordinance.
- (d) Failure to comply with this ordinance may result in the impoundment of the animal(s) and/or the issuance of citations.

Sec. 4-25 Dangerous Animals

It shall be unlawful for an animal that has bitten, attacked or threatened a human or animal to remain at large. Animal control officers shall have the authority to enter upon private property, including entry into a dwelling unit or other similar building, when the animal control officer has observed an animal which has committed the biting, attacking or threatening in violation of this section and impound the animal until directed otherwise by the court. Such entry upon

private property shall not be deemed to be a trespass. Such entry is authorized so long as it is otherwise consistent with the state constitution and the United States Constitution. The owner or keeper of the animal shall be liable to the city for costs and expenses of impounding the animal at \$25.00 per day for upkeep and any and all veterinarian expenses necessary for the health and well-being of the animal while in the custody of the city. It shall be unlawful for any person to interfere with, to threaten or to otherwise prevent an animal control officer from carrying out and performing his lawful duties under this section.

It shall be unlawful for any person to own, keep, have charge of, shelter, harbor, or take care of any dangerous animal within the city limits. A dangerous animal defined as any animal which attacks a person, domestic animal or domesticated animal or causes physical injury or death when unprovoked, or poses a serious threat of harm or endangers the safety of persons, domestic animals or domesticated animals, or is owned or harbored for the purpose of dogfighting, or is trained for the purpose of dogfighting, or has engaged in dogfighting activities, or is tormented, badgered, baited, trained, or encouraged to engage in unprovoked attacks upon persons, domestic animals or domesticated animals. The definition of a dangerous animal is not breed-specific.

Police or military animal owned by law enforcement agencies or military facilities which are trained to restrain people in the line of duty are exempt from this article.

An animal shall not be declared dangerous if the threat, injury or damage was sustained by a person who at the time was committing an offense upon the property of the owner of the animal, or was tormenting, abusing or assaulting the animal or has in the past been observed or reported to have tormented, abused or assaulted the animal. An animal shall not be declared dangerous if it threatens or attacks while in distress from injury or illness or is protecting its young. The animal control officer shall make the determination of whether an animal is dangerous based upon the above definition.

An animal that has been adjudicated dangerous which has attacked a human being or domestic animal may be ordered euthanized in a humane manner by a licensed veterinarian when in the court's judgment the animal represents a continuing threat of serious harm to human beings or domestic animals.

No person under the age of 18 years shall be permitted to own, harbor or handle a dangerous animal.

A person found guilty of violating this section 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, human or animal, from an attack by a dangerous animal and other expenses required for the destruction of the animal. No portion of the fines or imprisonment established for violation of this section may be suspended or remitted.

Sec. 4-26 **Surrendering of animals.**

The owner of a domesticated animal may surrender ownership of said animal by contacting the animal control officer and signing an impoundment and/or surrender of animal report. Upon surrendering the animal to the city, the animal automatically and irrevocably becomes the sole property of the city. The animal may be put up for adoption, delivered to a humane society or rescue group or humanely euthanized by a licensed veterinarian if it is determined it is in the best interest of the animal. The surrendering of an animal after receiving a citation for a violation of any section of this article, or if surrendered in a condition that violates any section of this article, will not release the owner or person having control over the animal from any civil or criminal proceedings arising from the violation.

Sec. 4-27 **Minimum standards required for keeping three or more dogs outside.**

Kennel standards. Any person owning, maintaining, keeping or harboring three or more dogs outside, whether for pleasure, exhibition, breeding or profit, upon his premises, shall provide a kennel facility in conformity with the minimum standards set forth in this section.

Proximity of residences. No person shall operate such a facility with three runs within 100 feet of the residence of another. No person shall operate such a facility with more than three runs within 200 feet of the residence of another. A site plan must be submitted showing the following:

Property acreage.

Location and size of all existing and proposed physical improvements to be used for the facility with measurements and the number of dogs to be contained in each structure or enclosed area;

Identification and dimensions for any existing or proposed outdoor or indoor runs and exercise area also describing intended surfaces.

Location of any existing wells or sewage treatment areas on site; and

Location of any water features on site (wetlands, streams, ditches, lakes). A wetland determination may be requested by the city as part of the application.

Fence. A link wire fence enclosing the whole area to be used shall be erected with adequate safeguards against burrowing. It shall be not less than six feet in height.

Units. Separate units shall be provided for each dog with an adequate exercise run, minimum of 100 square feet, including adequate shelter against the elements. Each unit shall have a concrete floor or similar surface with provision being made for proper drainage. Any such surface shall be sealed against moisture. Each unit shall be so designed as to be fully accessible for cleaning.

Water. Water shall be available at the kennel facility and be provided for each unit.

Cleanliness, etc. Each unit shall be thoroughly cleaned daily and all necessary and reasonable safeguards shall be taken to prevent odors, infestation and any unsanitary conditions.

Temporary caretakers/foster homes. This section shall not apply to persons who are associated with a recognized rescue group and are registered with animal control as temporary caretakers/foster homes for animals. Dogs kept by temporary caretakers/foster homes must be kept in a fenced enclosure and in a fashion that complies with all other sections of this chapter. A maximum of three dogs may be kept in such temporary/foster status.

Sec. 4-28 **Kennel Facility Permit.**

No kennel facility shall be constructed or operated without an application having been made to the City of Wellford for a permit.

No permit shall be issued to a rental unit without the written and notarized consent of the owner/management company.

No permit shall be issued, except a temporary permit for construction, until a final inspection is made by the building and development standards department and the animal control officer. An annual inspection may be conducted by the animal control officer to verify compliance.

Sec. 4-29 **Wounded or diseased animals.**

An animal that is wounded or diseased or in great pain, in the judgment of the animal control or any authorized officer or authorized animal shelter personnel, may be destroyed immediately.

Sec. 4-30 **Animals at the City Park or Wellford City properties.**

No animal shall be permitted at the Florence Chapel Memorial City Park or any City owned property.

This section does not apply to guide, hearing, or service dogs or other dogs which have been trained to accompany a person with a disability while being accompanied by a disabled person, or to any dog or horse in the custody or control of a law enforcement officer while the officer is in the performance of official duties.

Sec. 31 - **WILDLIFE AND BIRD SANCTUARIES**

The following regulations shall be applicable to the City of Wellford as wildlife and bird sanctuaries, whether situated within the city limits or owned by the city, whether within the city limits.

It is unlawful for any person to hunt, take, kill or possess or attempt to hunt, take or kill any bird or animal within the City of Wellford limits.

It is unlawful for any person to disturb any nest or eggs of any bird on any wildlife and bird sanctuary within the city.

It is unlawful for any person to take any firearms, slingshot, bow and arrow or any device whatever usable for the killing, trapping or taking of any bird or other wildlife on any wildlife or bird sanctuary within the City of Wellford.

Penalties and Enforcement

Any state or local law enforcement officer may enforce state law and this ordinance. Those persons found to be in violation of this ordinance may be issued a citation and upon conviction could be fined as follows:

- (1) 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 and other expenses required for the destruction of the animal.
- (2) Any person found guilty of violating the provisions of this ordinance shall be guilty of a misdemeanor and subject to a fine not to exceed one thousand ninety two dollars (\$1092.00) plus court cost or imprisonment for thirty (30) days or both, If the violation is not corrected after the initial appearance in court, a fine of fifty (\$50) dollars per day, in addition to the original fine, will be implemented until the violation is corrected.

This shall become effective immediately upon second and final reading.

First Reading: March 7, 2023

Second Reading: March 18, 2023

Patricia Watson
Patricia Watson, Mayor

Wymond Wilkins, Council Member

Glenna Holcombe

Glenna Holcombe, Council Member

Janice Gist

Janice Gist, Council Member

Brian K. Jones

Brian Jones, Council Member

Attest: Lynne S. Lingo
Lynne S. Lingo, City Clerk