

ARTICLE II. VICIOUS ANIMALS

Section 3.200. Vicious Animal Statute.

a. Intent

The purpose of this ordinance is to enable the Town of McClellanville to effectively deal with animals that are deemed to be vicious in nature as evidenced by their conduct. ~~This ordinance does not create a leash law, nor does it seek to restrict pets from roaming on property other than that of their owners, unless otherwise restricted.~~ The Town of McClellanville emphasizes to its citizens that they are responsible for their pets and their pet's actions at all times.

b. Definitions

(1) "Vicious animal" means any animal that when unprovoked ~~inflicts either~~ bites or attacks a human being or domestic animal on any property other than the property where the animal resides, or in a threatening or terrorizing manner, approaches any person in apparent attitude of attack ~~upon the streets, sidewalks, or any public grounds or places on any property other than the property where the animal resides.~~

a. A Vicious animal does not include an animal which attacks a person who is trespassing or who appears to be trespassing. A trespasser is a person who is not lawfully upon the premises of the owner, as established by South Carolina State law.

b. An animal is not a "Vicious animal" solely by virtue of its breed or species.

(2) An animal is deemed to be "under physical restraint" if confined on the premises of its owner or, if off the premises of its owner or keeper, is accompanied by its owner or keeper and under the physical ~~and/or~~

~~verbal~~ control of its owner or keeper by means of a leash or confined to the inside of a closed vehicle.

- (3) “Confined” means the animal must be kept securely indoors or confined in a securely enclosed fence or securely enclosed locked pen or run area upon the owner’s or keeper’s premises.

c. Keeping of Vicious Animals

It is unlawful in the Town of McClellanville for any animal owner or keeper to:

- (1) Keep a vicious animal on land owned, leased or controlled by him unless the animal is ~~under restraint~~ confined by fence, chain, or other means so that the animal cannot reach persons not on land, owned, leased or controlled by him, ~~or keep a vicious animal or allow a vicious animal on land not owned, or leased or controlled by him unless such animal is under restraint. No vicious animal that has inflicted bodily harm on a person shall be allowed on public property within Town limits. All vicious animals shall be under physical restraint at all times while on public property.~~
- (2) ~~—Release or take out of impoundment or quarantine without proper authority any dog or cat animal~~ or resist county or municipal shelter personnel engaging in the capture and impoundment or quarantine of an animal.

~~(3) Have a vicious animal on public property unless the animal is under physical restraint.~~

~~(4) Have a vicious animal on public property restrained or otherwise if the animal is known, by the Town of McClellanville, to have inflicted bodily harm to a person or domestic animal.~~

d. Filing a Complaint; Investigation

(1) Except in cases of emergency, the Town of McClellanville will not investigate any matter regarding a vicious animal without the injured or aggrieved party submitting a signed, written complaint to the Town Administrator¹. The complaint shall include all relevant information available including, but

~~¹[It is the intent of the Town at some point to provide a form for the complaining party to fill out in order to comply with this requirement. However, until that time it will be sufficient for the complaining party to draft a written complaint outlining in as much detail as possible the facts of the incident in question]~~

~~(2)~~ -not limited to, the date and time of the incident, the location of the incident, all witnesses to the incident and the owner of the animal in question. Emergency cases are those that involve physical injury to a person or domestic animal and that is reported to the Town Administrator and/or Marshall who shall immediately proceed with an investigation.

(13) —When the complaint is filed, the Town Administrator will notify the owner or keeper of the accused animal of the complaint, ~~and provide the owner or keeper with a copy of the complaint.~~ The owner or keeper will be required to keep the animal confined under restraint pending the results of the investigation.

(24) —Upon the filing of a complaint, the Town Administrator shall contact the Town Marshals and provide him with a copy of the complaint. The Town Marshal or his designee shall investigate the complaint as soon as possible, preferably within 5 days of the filing of the complaint. Upon the conclusion of his investigation, the Town Marshal shall submit his findings to the Town Administrator, which will be recorded at that point.

(35) At the conclusion of the Town Marshal's investigation, both the injured or aggrieved party and the owner or keeper of the subject animal will be notified in writing by the Town administrator of the Marshal's findings.

e. Penalty

Any animal deemed vicious pursuant to this ordinance and also deemed to be a continuing threat to community safety shall not be allowed to remain within Town limits. It will be the Owner's responsibility to remove the animal from town limits within one week of notification from the Town.

Any person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, will incur the following penalties:

- (1) For a first offense, a monetary fine up to \$250 fine;
- (2) For a second ~~and subsequent~~ offense, a monetary fine up to \$500;
- ~~(3) Anyone found guilty of repeated violations of this ordinance shall be deemed to be harboring an animal that is a continuing threat to the community and will be required to remove the animal from Town limits as set forth above.~~