

CHAPTER 3

ANIMALS AND FOWL

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Article I. In General.¹

Sec. 3-1. Town declared bird sanctuary. Unlawful to kill, injure, etc., birds, etc.

The territory embraced within the corporate limits of the Town or the police jurisdiction thereof, is declared a bird sanctuary. It shall be unlawful for any person to kill, injure, harm or molest any bird within the police jurisdiction of Sullivan's Island, or to destroy, injure, rob or molest the eggs or the nests and breeding places of such birds, except domestic birds and fowl. (3-13-58)

Sec. 3-2. Equine and certain other animals prohibited.

No person shall own, keep, shelter, feed, harbor, ride, use to pull, except as provided by the Uniform Act Regulating Traffic on Highways, or take care of any horse, mare, gelding, jack, jenny, mule, pony, donkey, burro or other equine animal or any swine or cow within the municipal limits of the Town of Sullivan's Island. (7-20-10)

Sec. 3-3. Wild Animals.

(A) Prohibition. It shall be unlawful for any person to keep, maintain, or have in his or her possession or control within the Town any poisonous reptile or any other

¹ For state law as to animals generally, see SC Code 1976, S47-1-10 et seq.

For state law as to cruelty to animals, see SC Code 1976, S47-1-10 to 47-1-70.

dangerous or carnivorous wild animal or reptile, any vicious or dangerous domesticated animal or any other animal or reptile of wild, vicious, or dangerous propensities.

(B) Classification. It shall be unlawful for any person to keep, maintain, or have in his or her possession or control within the town any of the following animals:

- (1) All poisonous animals including rearfang snakes.
- (2) Apes. Chimpanzees; gibbons; gorillas; orangutans; and siamanges.
- (3) Baboons.
- (4) Bison.
- (5) Bison.
- (6) Cheetas.
- (7) Constrictor snakes, six feet in length or more.
- (8) Coyotes.
- (9) Crocodilians, 30 inches in length or more.
- (10) Deer (includes all for example, white tailed deer, elk, antelope and moose).
- (11) Elephants.
- (12) Gamecocks and other fighting birds.
- (13) Hippopotami.
- (14) Hyenas.
- (15) Jaguars.
- (16) Leopards.
- (17) Lions
- (18) Lynxes.
- (19) Monkeys, old world.
- (20) Ostriches.

- (21) Piranha fish.
- (22) Pumas (also known as cougars, mountain lions and panthers).
- (23) Raccoons.
- (24) Rhinoceroses.
- (25) Sharks.
- (26) Snow Leopards.
- (27) Swine.
- (28) Tigers.
- (29) Wolves.

(C) Exceptions. The provisions of divisions (A) and (B) in this section do not apply to menageries, zoological gardens, circuses, and recognized accredited, and permitted public organizations or individuals established for educational purposes or entertainment subject to the approval of Town Council, if

- (1) Their location conforms to the provisions of the zoning code of the town.
 - (2) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.
 - (3) Animals are maintained in quarters so constructed as to prevent their escape.
 - (4) No person lives or resides within 200 feet of the quarters in which the animals are kept.
- (3-16-99)

Sec. 3-4. Same -- Impounding; fine; sale when animal not redeemed.

Any animal mentioned in the preceding section found going at large may be taken up by the Chief of Police of the Town, or by any person authorized by him, and shall be impounded until the payment of a fine of fifty-five dollars (\$55.00), together with all expenses for keeping such animal or animals; provided, that if same be not paid within ten days, such animal so taken up shall be sold a public outcry, one week's notice of the time and place of such sale having first been given by advertisement in the papers of the City of Charleston, South Carolina, and copy of same having been posted for the space of one week, at Town Hall. The proceeds of such sale be applied to the payment of such

fine and all cost and expenses connected with the keeping of such animal or animals impounded as aforesaid, and for advertising the sale of same and the balance, if any, shall be paid over to the owner. (7-15-86)

Article II. Dogs.²

Sec 3-5. Dog pound and dog control personnel.

The Sullivan's Island Police Department is authorized to establish and maintain a dog pound for the Town of Sullivan's Island, for the purpose of holding for redemption and/or quarantining dogs, and may employ such personnel with the advice and consent of the Town Council as may be necessary to administer the provisions of this article, including but not limited to a full or part-time dog catcher. Funds to operate the pound and employ necessary personnel may be provided in the yearly budget ordinance under the Police Department. (5-19-80)

Sec, 3-6. Quarantine of dogs and release therefrom.

For the purpose of protecting the health, safety, and general welfare of the people of the Town of Sullivan's Island, the personnel employed to operate and enforce this article shall pick up and quarantine any dog running at large off the property owned, rented, or otherwise controlled by the owner or keeper of the dog, unless the dog is lawfully on the front beach area (RC-1) as provided in Sec. 3-8A. To obtain release of his dog, an owner or keeper must satisfy the dog pound employees, or the Town Clerk or the Chief of Police that the dog is currently permitted/badged and inoculated against rabies and, in addition, pay a quarantine fee of \$50.00. The owner or keeper shall further be subject to the penalties and fines as stated in Section 3-8. (5-19-80) (12-21-10)

Sec. 3-7. Dog permits and badges required.

- A. It shall be unlawful for any person, resident or visitor, to own, keep, harbor, or allow a dog within the limits of the Town of Sullivan's Island, or exercise, walk, or allow a dog on public properties without a written permit/badge from the Town Clerk. (2-15-05)
- B. Before issuing a permit required by Sec. 3-7 A. above, the Town Clerk shall require the applicant to file with him a certificate in writing signed by a licensed veterinarian that the dog designated in the permit has been vaccinated against rabies within one (1) year immediately preceding the date of the application. Each permit shall be valid for the calendar year commencing January 1 of each year, and no longer.
- C. The Town Clerk shall annually provide a sufficient number of metal badges suitable for dogs to be fastened to the animal's collar, numbered from one

² For state law as to rabies control generally, see SC Code 1976, SS44-1-8 and 47-5-210.

upwards, stamped "Dog Permit" and year of issue. This badge and the written permission required in Sec. 3-7 A shall be delivered to the person owning, keeping, or harboring the dog upon the payment of the sum of \$25.00 for residents of the Town and \$35.00 for non-residents of the Town of Sullivan's Island. Said sum may be increased from time to time by Resolution of Town Council in a meeting duly assembled. (11-16-04) (11-17-09) (02-20-18)

- D. With submittal of an American Kennel Club Canine Good Citizenship Certificate at the time of application, applicant shall receive a \$2.00 discount off the applicable annual fee for each certified dog.

The name and address of each party to whom such permit and badge have been issued shall be kept on file in the Town office for the purpose of identification in case such badges would at any time be lost, stolen or otherwise misappropriated. Violations of this section shall be prosecuted in the same manner as those violations listed in Sec. 3-8 of this article. (5-19-80)

Sec. 3-8. Offenses by dogs or owners and penalties.

It shall be unlawful within the Town of Sullivan's Island for any dog owner/keeper or other person with custody and control of a dog to:

- A. Allow his dog to run at large off the property owned, rented or controlled by him or allow his dog to run at large at any time with the following exceptions:

1. Dog owner/keeper or other person with custody and control may allow his/her dog to run at large on the beach area and RC-1 from 5:00 AM to 10:00 AM May 1 through September 30 and from 5:00 AM to 12:00 Noon October 1 through April 30; this would not include walkways or access paths and owner/keeper or other person must have a leash in hand not to exceed 10 feet in length. (11-16-04) (12-20-05) (11-17-09)

2. No dogs may be allowed on the beach area, RC-1, adjacent waters, beach paths or access points from 10:00 AM and 6:00 PM from May 1 through September 30. (11-16-04) (12-20-05) (11-17-09)

3. Dog owner/keeper or other person with custody and control may allow his/her dog on the beach, beach paths, RC-1 and adjacent water if the dog is attached to a leash, which is in the owner's hands, and is never longer than 10 feet, from 6:00 PM to 5:00 AM from May 1 through September 30 and from 12:00 Noon to 5:00 AM from October 1 through April 30. Dogs on leash as described here are also permitted on the beach, beach paths, RC-1 and adjacent water when dogs are permitted to be off-leash in those locations. (11-16-04) (12-20-05) (11-17-09)

- B. Keep a vicious or unruly dog unless restrained by a fence, chain or other means so that such dog cannot reach persons not on land owned, leased or controlled by him. A "vicious dog" shall be construed to mean any dog evidencing an abnormal inclination to attack persons or animals without provocation.
- C. Allow a female dog to run at large during estrus or the heat period.
- D. Release or take out of quarantine without proper authority any dog, or resist the Town of Sullivan's Island pound personnel or police officers engaging in the capture and quarantine of a dog.
- E. Keep a dog or dogs which bark habitually or continuously so as to constitute an annoyance to the neighborhood.
- F. Bring or keep within the Town of Sullivan's Island any dog which has not been inoculated against rabies within the recognized period of immunity for such inoculations.
- G. Wrongfully remove the badge from a dog registered as required in Sec. 3-7 of this article.
- H. Own, keep, harbor, or allow a dog within the Town of Sullivan's Island without a written permit/badge from the Town Clerk as provided in Section 3-7 above. (2-15-05) (5-19-80)
- I. Keep within the Town of Sullivan's Island any dog found by the Municipal Judge to have bitten any person without justification.
- J. Allow a dog to disturb nesting sea turtles, turtle nests or turtle hatchlings. (1-27-92)
- K. Allow a dog to enter a designated critical habitat area unless the signs marking the critical habitat area permit pets, and unless the dog has a chain, substantial thong or lease attached which is in the hand of some responsible person. (1-27-92)
- L. The owner/keeper or other person with custody and control of a dog shall immediately collect, remove and dispose of all excrement deposited by such animal on any beach, public property, street, right-of-way, sidewalk, public way, playground, or upon private property owned by others. The owner or custodian shall place the excrement in a plastic bag or other suitable container and deposit the collection in an approved waste receptacle. The owner/keeper, other person, or custodian shall have in hand at all times a plastic bag or suitable container. (6-15-04)

Any person who violated any of the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction shall be fined not more than five hundred (\$500.00) dollars, to be imprisoned for not more than thirty (30) days in jail. The Municipal Judge shall have authority to hear cases made as a result of alleged violations of this article. (7-15-86; 9-23-97)

Sec. 3-9. Impounded dogs and disposition thereof.

Employees of the pound or Police Department shall notify the owner of any quarantined dog when such owner can be determined from tags or other sources of information.

After any dog has been quarantined for a period of forty-eight (48) hours, and is unclaimed by its owner, the pound employees or the Police Department may turn such dog over to the Humane Society, ASPCA, County Dog pound, or any other animal shelter. Complete records shall be kept by pound employees, police officials, or the Town Clerk as to the disposition of impounded animals. (5-19-80)

Sec. 3-10. Offenses for the ill treatment of dogs and other animals and penalties.
(10-19-21)

- A. It shall be unlawful within the Town of Sullivan's Island for any person by any act or omission to intentionally or knowingly ill treat any dog or animal. Evidence that a person with custody or control of a dog or animal has intentionally or knowingly deprived the dog or animal of necessary sustenance or shelter or inflicted unnecessary pain or suffering upon the dog or animal shall be prima facie evidence of a violation of this section.
- B. It shall be unlawful within the Town of Sullivan's Island for any person to intentionally, knowingly, or recklessly cause a dog or animal to be unattended and confined in a vehicle whereby physical injury to or death of the dog or animal is likely to result. Evidence that the dog or animal is within a vehicle without adequate ventilation when the atmospheric temperature, humidity, or sun rays can reasonably be expected to cause suffering, disability, or death to the dog or animal or evidence that the dog or animal is suffering from heat stress shall be prima facie evidence of a violation of this section.
 - 1. Authorized Town Personnel may use reasonable force to break and enter a vehicle to remove and seize a dog or animal where there is a good faith belief that physical injury to or death of the dog or animal is likely to result unless removed from the vehicle. The Authorized Town Personnel shall take reasonable steps to locate, identify, and notify the owner or custodian of the dog or animal of the removal and seizure and location to which the dog or animal is taken. If the dog or animal is removed and seized from a vehicle pursuant to this subsection and the owner or custodian of the animal is not present when the animal is seized and removed, the Authorized Town Personnel shall make a reasonable attempt to secure the vehicle and shall leave a written notice giving their name and position and the address where the animal is to be taken. The vehicle may be removed and impounded by a police officer. In the event a vehicle is impounded pursuant to this

subsection, a police officer shall inventory the contents of the vehicle and the owner and operator of the vehicle shall be jointly and severally responsible for any and all costs and expenses involved in towing and impounding the vehicle. Neither the Town, the Authorized Town Personnel, nor any police officer involved in removing the dog or animal shall be liable for any resulting damage to the vehicle or its contents.

2. A dog or animal removed and seized pursuant to this subsection shall be immediately taken to an animal impounding facility by an authorized Town employee. The owner or custodian of the dog or animal shall be responsible for all costs and expenses incurred in impounding, boarding, and treating the dog or animal, which shall be paid at the time of retrieval of the dog or animal. Where a vehicle has been removed and impounded pursuant to this subsection, the vehicle shall be surrendered to its duly identified owner only after retrieval of the dog or animal and the payment of the costs of towing and impounding the vehicle.
- C. Any person who violates any of the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than five hundred (\$500.00) dollars and/or imprisoned for not more than thirty (30) days in jail. The Municipal Judge shall have authority to hear cases made as a result of alleged violations of this section.