

**STATE OF SOUTH CAROLINA  
COUNTY OF JASPER**

**ORDINANCE #2020-\_\_**

**AN ORDINANCE  
OF JASPER COUNTY COUNCIL**

To Amend the Jasper County Code of Ordinances, Chapter 3, *Animals*, by Providing for the Deletion of existing Chapter 3, codified as Sections 3-1 through 3-3, and the Adopting in their stead a new Article 3, and Matters Related Thereto

**WHEREAS**, the Article 3 of the Jasper County Code of Ordinances was previously adopted by Ordinances of April 15, 1996 and August 5, 1996; and

**WHEREAS**,; no amendments have been made by County Council since that date; and

**WHEREAS**, since adoption of these ordinances, Jasper County has contracted with the Jasper County Animal Rescue Mission (JARM), a not for profit entity, to operate the County Animal Shelter; and

**WHEREAS**, there is no longer a Jasper Animal Board of Trustees in place to perform the activities authorized in Section 3-3 of the Jasper County Code of Ordinance, such advisory and fund raising activities being performed instead by JARM ; and

**WHEREAS**, Jasper County Council desires to amend Chapter 3 to reflect the current arrangement whereby a not-for profit operated a county animal shelter, as well as provide for a longer period before certain procedures are allowed, including sterilization and adoption;

**NOW THEREFORE BE IT ORDAINED** by the Jasper County Council in council duly assembled and by the authority of the same:

**Section 1.** The Jasper County Code of Ordinances, Chapter 3 *Animals*, being codified as Section 3-1 through 3-3, is deleted in its entirety, to be replaced by a new "Chapter 3, Animals, as follows:

Chapter 3 - ANIMALS

Sec. 3-1. - Animal ordinance; penalties.

- (a) The county hereby adopts as ordinances of the county the provisions of chapters one through seven of Title 47 of the S.C. Code of Laws of 1976, as amended.
- (b) The county sheriff's department shall have the authority to enforce these ordinances. Tickets or warrants issued by the sheriff's department under the authority of this section shall cite this section, together with title, chapter and section number of the State Code violation which the sheriff's department agent contends has been violated. Nothing contained in this section shall be construed to require the county to assume any responsibility allocated to the state or any of its subdivisions by Title 47, nor is this section intended to supplant state enforcement of any provision in Title 47. This section shall be construed as concurrent with existing state law and state law enforcement.
- (c) Penalties for violations of the Jasper County Animal Ordinance shall not exceed the lesser of the penalty provisions of the incorporated state law offense, or the enforcement authority of the county magistrate. Funds received by the county for violations of the Jasper County Animal Ordinance shall be deposited to the general funds of the county, except for any portion required by state law to be allocated to the state, or any subdivision thereof.
- (d) The county animal shelter shall be authorized to receive animals for the purposes and under the conditions provided under S.C. Code 1976, § 47-3-30, and under S.C. Code 1976, Tit. 47 and under this section, provided that the county does not adopt as a county ordinance any state law requiring dogs, cats or other domestic animals to be kept on leash.
- (e) The county may contract with one or more private associations, institutions, or humane organizations to provide the services authorized in accordance with the provisions of Chapters one through seven of Title 47 of the S.C. Code of Laws of 1976, as amended, and the provisions of the County Code of Ordinance, including the operation of an animal shelter as defined in §4-7-410 and §47-3-470 of the S.C. Code of Laws, as amended, For purposes of this Ordinance and Title 47, such shall be deemed to be a "county animal shelter."

- (f) The county shall periodically provide, at a cost of one dollars or less, a metal tag containing the name of any pet, the name of the pet's owner, and the address and phone number of the owner to any county resident who requests such a tag for the purpose of identification of the pet. No county resident shall be required to obtain a county tag, but shall be entitled to obtain a tag upon application to the county. A county tag may be obtained at the county animal shelter, or at times and places as may be publicly announced from time to time in the discretion of the council and administrator of the county.

**Sec. 3-2. - Animal shelter—Regulations.**

- (a) The county administrator shall be authorized to create regulations for the operation of the county animal shelter. The regulations shall provide for the day to day operation of the shelter, and may include setting the length of time for which an animal admitted to the shelter must be held before either holding the animal out for adoption or euthanizing the animal, setting fees for the boarding and adopting of animals, and any other such subject matters as may be necessary for the proper and efficient operation of the shelter.
- (i) Any regulations promulgated by the administrator, and any contract by the county with an entity to operate a county animal shelter, shall provide that animals quarantined or impounded shall be held for ten (10) days rather than the five (5) days provided by State law, prior to transfer or adoption, microchipping or sterilization,
- (ii) Such regulations shall provide that should the animal be the subject of litigation commenced before or during the period of quarantine or impoundment to establish ownership of the animal, the shelter shall not put the animal up for adoption or transfer, and shall not microchip or sterilize the animal prior to resolution of the litigation, absent a court order providing otherwise.
- (b) All regulations created by the county administrator shall be in writing, and kept on file at the animal shelter and at the county executive building, and available upon the request of any person within the time provided for by the South Carolina Freedom of Information Act, and must be published to the county council and approved by council prior to taking effect. Any amendments to the regulations must first be published to the county council and approved by the council prior to taking effect.

**Sec. 3-3. - Same—Advisory board.**

- (a) The governing body of the entity operating the county animal shelter ("animal shelter board") shall act as an advisory board to County Council..

- (b) The animal shelter board shall have the authority to solicit and receive donations on behalf of the shelter; to make recommendations to the county administrator as to regulations and procedures for operating the animal shelter; to disseminate information about the animal shelter to the citizens of the county; and to foster goodwill among the citizens of the county for the animal shelter. All monies received by the board shall be reported to the county administrator in April of each year as part of the annual county budgeting process.

**Section 2. Severability.**

If any section, clause, paragraph, sentence or phrase of this ordinance shall, for any reason, be held to be invalid or unconstitutional, such invalid section, clause, paragraph, sentence or phrase is hereby declared to be severable; and any such invalid or unconstitutional section, clause, paragraph, sentence or phrase shall in no way affect the remainder of this ordinance; and it is hereby declared to be the intention of the County Council that the remainder of this ordinance would have been passed notwithstanding the invalidity or unconstitutionality of any section, clause, paragraph, sentence or phrase thereof.

**Section 4. This Ordinance shall take effect upon approval by Council.**

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**Henry Etheridge**  
**Chairman**

**ATTEST:**

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**Wanda Simmons**  
**Clerk to Council**

**ORDINANCE: 2020-\_\_**

**First Reading:** , 2020  
**Second Reading:** , 2020  
**Public Hearing:** , 2020  
**Adopted:** , 2020

Reviewed for form and draftsmanship by the Jasper County Attorney.

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**David Tedder**

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**Date**