

Chapter 5

Animal Control

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COUNTY OF LEXINGTON, SOUTH CAROLINA
AN ORDINANCE TO REGULATE EXOTIC ANIMALS

WHEREAS, the county of Lexington desires to help insure the safety and health of the residents of the County; and,

WHEREAS, certain exotic animals pose a threat to the safety and health of the residents, and are inherently dangerous.

NOW, THEREFORE, be it enacted by the Lexington County Council as follows:

Section 1. Definition of Exotic Animal

"Exotic Animal" means those species of animals that are exotic to humans. Exotic animals include:

(1.) Class Mammalia

- (a) Order Artiodactyla (only hippopotamuses and giraffes)
- (b) Order Carnivora (only those specified below)
 - (1) Family Felidae (all species except domestic cats) this includes lions, tigers, cougars, leopards, ocelots, and servals)
 - (2) Family Canidae (only wolves, coyotes and jackals)
 - (3) Family Ursidae (all bears)
 - (4) Family Hyaenidae (all hyenas)
- (c) Order Perissodactyla (only rhinoceroses)
- (d) Order Primates (only gorillas)
- (e) Order Proboscidae (all elephants)

(2.) Class Reptilia

- (a) Order Squamata (only varanidae family animals specified below)
 - (1) Family Varanidae (only water monitors and crocodile monitors)
- (b) Order Crocodilia (such as crocodiles, alligators, caimans, gavials, etc.) all species

Section 2. Prohibition.

It shall be unlawful to keep, maintain, or have in his or her possession or control within the unincorporated portion of Lexington County any exotic animal as defined herein.

Section 3. Provisions.

The Provisions of Section 2 shall not apply to Riverbanks Zoo and Lexington County approved circuses that are within the unincorporated area of the County.

Section 4. Penalty.

Any person violating the provisions of Section 2 shall be subject to the maximum penalty as authorized by the Magistrate's Court and as further set forth in the General Penalty, Section 1-8 of the Lexington County Code of Ordinances. It will be further set that Lexington County Animal Services may take immediate possession of an exotic animal and transfer the exotic animal to a rescue group outside of Lexington County or euthanize it.

1st Reading
Feb 2003

2nd Reading
March 2003

Chapter 10
ANIMALS*

Article 11. Animal Control

Division 1. Generally

- Sec. 1-1 Definitions
- Sec. 1-2 Commercial Breeding Kennels/Catteries
- Sec. 1-3 Pet Identification
- Sec. 1-4 Restraint and Confinement
- Sec. 1-5 Abandonment and Maltreatment
- Sec. 1-6 Impoundment
- Sec. 1-7 Dangerous Animals
- Sec. 1-8 Redemption
- Sec. 1-9 Adoption
- Sec. 1-10 Injured, Diseased and Dead Animals
- Sec. 1-11 Enforcement of Article
- Sec. 1-12 Penalty for Violation of Article
- Secs. 10-41—10-60. Reserved

ARTICLE II. ANIMAL CONTROL

DIVISION I. GENERALLY

Sec. 1-1 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandonment means a situation in which the owner/caretaker of a pet does not provide for humane disposal of the pet, or transfer ownership to a responsible person or who does not provide or arrange for adequate food, water, shelter and care.

Animal Control Officer means the person employed by the county as the enforcement officer of the provisions of this article.

Animal Shelter means any premises so designated by the county council for the purpose of impounding and caring for all pets found in violation of this article or which the owner/custodian or citizen surrenders.

Attack Dog means a dog that has been trained to attack persons independently or upon verbal command or hand signal.

At Large means any pet that is not under restraint. Any pet not so restrained will be deemed unlawfully running at large.

Cattery means any person engaging in the business of breeding, buying, selling or boarding of cats.

Commercial Boarding Kennel/Cattery means any establishment for the commercial boarding, grooming, sale or training of dogs/cats for which a fee is charged. An animal hospital maintained by a licensed veterinarian as part of the practice of veterinary medicine for the treatment of animals shall not be considered a "Commercial Boarding Kennel/Cattery."

Commercial Breeding Kennel/Cattery means any person, partnership or corporation or other legal entity that owns, keeps, harbors or is custodian of pets kept or used for stud for which a fee is charged and/or for breeding purposes for which a fee is charged for the offspring. Commercial Breeding Kennel/Cattery shall not include:

- a) Livestock and other farm animals used in customary and normal agricultural husbandry practices.
- b) A fancier's kennel/cattery.

Custodian means any person having custody or custodial power.

Dangerous Pet means any pet evidencing characteristics usually associated with an abnormal inclination to attack other pets or persons without provocation.

Exposure to Rabies means any person or pet that has been bitten by or exposed to any pet known to have been infected with rabies. The county health department or a licensed veterinarian shall make this determination.

Fancier means a person who owns or keeps 3 or more dogs or cats for noncommercial hunting or for breeding purposes in order to regularly participate in tracking, exhibition in shows, or field or obedience or performance trials at AKC (American Kennel Club), UKC (United Kennel Club) or CFA (Cat fancier Association) licensed shows.

Fancier's Kennel means a private kennel maintained by a fancier to keep or train dogs or cats.

Guard Dog means any dog that is reasonably expected to perform as a guardian of its owner/custodian and/or the property upon and within which the dog is located and is owned by a licensed security service or commercial establishment.

Hybrid means the offspring of wild animals crossbred with domesticated dogs and cats.

Kennel means any person engaging in the business of breeding, buying, selling or the boarding of dogs.

Maltreatment means the act of any person who deprives any pet of necessary sustenance or shelter, or inflicts unnecessary pain or suffering upon any pet, or causes these things to be done.

Owner means any person who:

- (1) Has a right of property in a pet.
- (2) Keeps or harbors a pet or who has it in his care or acts as its custodian.
- (3) Permits a pet to remain on or about any premises occupied by said person for a period of 5 or more days.

Pet means dog or cat.

Pet Shop means any person, partnership, or corporation, whether operated separately or in connection with another business enterprise or other legal entity that buys or brokers any species of animal for resale as pets.

Public Nuisance means any pet found at large or making loud or objectionable sounds.

Restraint means a situation in which a pet is:

- (a) Controlled by a leash when outside the property limits of its owner/custodian.
- (b) Under the control and obedient to the owner/custodian's commands within the property limits of the owner/custodian.

- (c) Confined in a secure enclosure.

Sterilized Pet means any pet that has had surgery to remove the reproductive organs.

Sec. 1-2 Commercial Breeding Kennels/Catteries

No person shall own or operate a Commercial Breeding Kennel/Cattery within the county without first obtaining a certificate of inspection from the Animal Services Division, issued pursuant to this section for which a fee of \$200.00 shall be paid for a two year period. The fees shall be collected by Animal Services and turned over to the County Treasurer. Such fees shall go toward the cost of defraying the expense of operating the animal shelter.

Sec. 1-3 Pet Identification

Every owner/custodian is required to see that an identification tag is securely fastened to his or her pet's collar or harness. The tag will clearly indicate the name and phone number of the owner and must be worn by the pet at all times, unless the pet, accompanied by the owner/custodian, is engaged in hunting or other activity where a collar might endanger the pet's safety.

Sec. 1-4 Restraint and Confinement

- (a) The owner/custodian shall keep his pet under restraint at all times.
- (b) Invisible fencing must be clearly marked and labeled (i.e. sign on mailbox post, tree).
- (c) No pet shall be permitted to be on school grounds or in a shopping area or similar public place unless on a leash at all times.
- (d) No person owning or harboring or having the care or the custody of a dangerous animal may permit the animal to go unconfined on his premises. A dangerous animal is unconfined 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 animal and must be designed to prevent the entry of the general public, including children, and to prevent the escape or release of the animal. The animal must not be removed from such building or enclosure unless the pet is securely muzzled and under restraint.

- (e) Every female pet in heat shall be kept confined in a building or secure enclosure or in a veterinary hospital or boarding kennel in such a manner so as not to create a nuisance by attracting other pets.
- (f) Any person reporting a violation of this section must identify himself to the Animal Control Officer and must sign a nuisance violation.
- (g) It shall be unlawful for any person to keep upon his premises any pet that is deemed a public nuisance.
- (h) If an Animal Control Officer observes an animal at large, they may pursue the animal onto private property.
- (i) The owner of every pet shall be responsible for the removal of any excreta deposited by the pet on public walks and ways, recreation areas, or private property.
- (j) No pet shall be kept on a property that the owner/custodian does not occupy on a permanent basis.

Sec. 1-5 Abandonment and Maltreatment

- (a) It shall be unlawful for the owner/custodian of any pet in the County to abandon it.
- (b) It shall be unlawful for anyone in the County to treat any pet in a cruel and/or inhumane manner.

Sec. 1-6 Impoundment

- (a) Immediately after impounding any pet, the Animal Control Officer shall make a reasonable effort to notify the owner/custodian of its impoundment and to inform the owner/custodian of the conditions whereby he can regain custody of the pet.
- (b) Any pet impounded under the provisions of this article and not claimed by its owner within five business days becomes the property of Lexington County Animal Services and may be humanely destroyed by Animal Services.

Sec. 1-7 Dangerous Dogs

- (a) The Animal Services Director in conjunction with the Animal Services Coordinator shall have the authority to determine if a dog is a dangerous dog.

Animal Services must notify the owner/custodian of the dog in writing that the animal must be registered with Animal Services as dangerous.

- (b) The owner shall notify Animal Services if any changes occur with the following:
- (1) Ownership of the dog.
 - (2) Name, address and telephone number of a new owner/custodian.
 - (3) Address change of the owner/custodian or any change in the location in which the dog is housed.
 - (4) Any change in the health status of the dog.
 - (5) Death of the animal.
- (c) If the dog is outdoors and attended, the dog shall be muzzled, on a leash and under the control of the owner/custodian.
- (d) If the dog is outdoors and unattended, the dog must be locked in an escape-proof kennel. Minimum standards shall include the following:
- (1) Fencing materials shall not have openings with a diameter of more than 2 inches; in the case of a wooden fence, the gaps shall not be more than 2 inches.
 - (2) Any gates within such pen or structure shall be padlocked and of such design to prevent the entry of children or the escape of the dog.
 - (3) The required pen or structure shall have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides shall be imbedded into the ground or concrete.
 - (4) The pen or structure shall protect the animal from the elements.
 - (5) A universal sign denoting a dangerous animal shall be displayed on all four sides of the pen or structure.
- (e) It shall be illegal for anyone to own or be the custodian of a hybrid.

Sec. 1-8 Redemption

- (a) The owner shall be entitled to resume possession of an impounded pet, except as provided in this section in the cases of certain pets, upon providing proof of a valid rabies inoculation for the year in which the pet is being held and proper identification requirements and the payment of redemption fees set forth in this section.
- (b) In the case of a dangerous dog that the owner has failed to control properly and which has been impounded, redemption may be made only with the consent of the Animal Services Director.

- (c) The owner of an impounded pet must apply for the redemption of his pet. The pet may not be released unless authorized by the Animal Control Officer with assurance from the owner that proper care and custody will be maintained.
- (d) The fees in this subsection shall be collected from the owner by Animal Services and turned over to the county treasurer, who shall make a monthly accounting of such funds. Such fees, when collected, shall go toward defraying the expense of operating the animal shelter. An initial fee of \$15.00 will be charged for impoundment for a period of one to five days. The additional sum of \$5.00 will be charged for each day the animal is kept beyond five days. Upon a second offense, a fee of \$30.00 will be charged. Upon a third offense, if the Animal Services Director allows the pet to be reclaimed, a fee of \$50.00 will be charged.
- (e) If an owner redeeming a pet cannot show proof of inoculation against rabies for the year in which the pet is being held, the owner shall be required to pay \$10.00 for the rabies inoculation.

Sec. 1-9 Adoption

- (a) Any pet impounded under the provisions of this article may, at the end of the legal detention period, be adopted by a person deemed to be a responsible and suitable owner, who will agree to comply with the provisions of this article. All required fees must be paid at the time of adoption in addition to an adoption fee. Those individuals adopting puppies or kittens to young to receive rabies inoculation will pay the cost for this procedure at the time of adoption and be given an appointment for a later time to have this procedure accomplished.
- (b) No unsterilized pet, which has been impounded by Animal Services, shall be allowed to be adopted unless it has been sterilized.

Sec. 1-10 Injured, Diseased and Dead Animals

- (a) Anyone who strikes a pet with a motor vehicle or bicycle and injures or kills the pet must notify Animal Services or the Sheriff's Department immediately. The Animal Control Officer or the Sheriff's Department will then take the necessary steps to provide for the proper treatment or disposal of the pet.
- (b) Any pet received by Animal Services in critical condition from wounds, injuries or disease may be destroyed at the discretion of the Animal Services Director and/or the Animal Services Coordinator if the owner/custodian cannot be contacted. If the pet is suffering great pain, it may be destroyed immediately.
- (c) The owner/custodian of any pet, which dies, shall immediately provide for its burial or cremation if he knows of its death and the location of its remains. If he

fails to do so within three hours, the Animal Control Officer shall arrange for the disposal and the owner/custodian shall be required to pay the cost thereof, not to exceed \$50.00.

- (d) The Animal Control Officer shall cause to be collected all dead domestic animals found on public grounds or roadways of the county. If the animal is identifiable, the Animal Control Officer will notify the owner/custodian of the animal as soon as practical. Citizens may call 359-8364 if the animal is on a county road or 359-4103 if the animal is on a state road.

Sec. 1-11 Enforcement of Article

- (a) The provisions of this article shall be enforced by Animal Services under the supervision of the Director in all unincorporated areas of the county except wherein the governing body of any municipality, by resolution filed with the clerk, so indicates that it desires the provisions of this article be enforced within the jurisdictional limits of the respective municipality.
- (b) The animal service's staff shall be appointed as county code enforcement officers.
- (c) If the Animal Control Officers are unable to respond to complaints due to other commitments, the county Sheriff's Department or other authorized law enforcement agency may respond to complaints.
- (d) Persons empowered to enforce this article shall have the authority to destroy any pet, which appears to be dangerous, and may endanger their safety or the safety of other persons or animals.
- (e) The Animal Control Officers will, if necessary, obtain a search warrant to enter any premises upon which it is suspected a violation of this article exists. The officer may demand to examine such pet and take possession of the pet when, in his opinion, it requires removal from the premises.
- (f) No person shall interfere with, hinder or molest the animal service's staff in the execution of their duties, or seek to release any pet in the custody of Animal Services.
- (g) When a pet is found in violation of any provision of this article, Animal Control Officers, at their discretion, may:
- a. Impound the pet.
 - b. Issue notice of violation.
 - c. Issue court summons.

Sec. 1-12 Penalty for Violation of Article

The violation of any section of this article shall constitute a misdemeanor and shall be punishable under Magistrate's Court jurisdiction.

Sec. 10-41—10-60 Reserved.

DIVISION 2. RABIES CONTROL***Sec. 10-61 Inoculation; Certificate; Tags**

(a) No person shall own, keep or harbor any pet within the county for longer than 60 days unless such pet has been inoculated against rabies as provided in this section.

(b) Every owner/custodian of a pet will have his pet inoculated against rabies in such a manner as to provide continual protection.

State law reference— Rabies Control Act, SC Code 1976, 47-5-10 et seq.

(c) A state board of health certificate of pet rabies vaccination will be issued by a licensed graduate veterinarian for each pet stating the name and address of the owner, the name, breed, color and markings, age, sex of the animal and the veterinary or pharmaceutical control number of the vaccination.

(d) Coincident with the issuance of the certificate, the licensed graduate veterinarian shall also furnish a serially numbered metal license tag bearing the same number and year as the certificate. The metal license tag shall bear the name of the veterinarian who administered the vaccination and shall at all times be attached to a collar or harness worn by the pet for which the certificate and tag has been issued.

(e) The owner/custodian shall have a valid certificate of rabies immunization readily available for inspection by competent authority at all times.

(f) If a rabies tag is lost, the owner will obtain a duplicate tag without delay.

(g) If there is a change in ownership of a pet during the valid period of immunization, the new owner may have the current certificate of immunization transferred to his name.

(h) A certificate of rabies immunization issued by a licensed veterinarian from another state will be accepted as valid evidence.

(i) It shall be unlawful for any owner/custodian of any pet, which has not been inoculated as required by this division to allow it to run at large. (Code 1983, 4-33)

Sec. 10-62 Owners Required to Notify Authorities of Suspected Rabid Animals

Whenever a pet or other animal is affected by rabies or suspected of being affected by rabies or has been bitten by an animal known or suspected to be affected by rabies, the owner of the animal or any person having knowledge thereof shall forthwith notify the Animal Control Officer and the county health department stating precisely where the animal may be found.

(Code 1983, 4-33)

Sec. 10-63 Animal Control Officer to Arrange for Confinement of Animal That has Bitten a Person

The Animal Control Officer, in conjunction with the county health department, shall arrange for the supervised confinement of any pet or other animal, which has bitten a person. Such confinement may be on the premises of the owner/custodian if the owner/custodian will sign an agreement assuming total responsibility for the safe confinement of the pet or other animal. Confinement shall be at the county animal shelter, a private animal shelter, veterinary hospital or humane society shelter at the owner's expense.

(Code 1983, 4-34)

Sec. 10-64 Required Period of Confinement of Animal That has Bitten a Person; Examination During Confinement

Any pet or other animal, which has bitten a person, must be confined for a period of at least ten days. The county health department or the Animal Control Officer will be permitted by the owner/custodian of such pet or animal to examine the animal at any time, and daily if desired, within the ten-day period of confinement to determine whether such animal shows symptoms of rabies. No person shall obstruct or interfere with the Animal Control Officer or the county health department in making such examination.

(Code 1983, 4-35)

Sec. 10-65 Notice to Owner of Animal, Other Than Dog or Cat That has Attacked or Bitten a Person

In the case of a pet other than a dog or cat which has attacked or bitten a person, the county health department shall serve notice upon the owner/custodian of such pet that the owner/custodian shall have the animal euthanized immediately and have the brain submitted for rabies examination.

(Code 1983, 4-36)

Sec. 10-66 Confinement of Animals Bitten by Known or Suspected Rabid Animals

The county health department shall serve notice in writing upon the owner/custodian of a pet or other animal known to have been bitten by an animal known or suspected of being affected by rabies requiring the owner/custodian to confine such animal for a period of not less than six months; except that, animals properly treated with antirabic vaccine shall be confined for a period of not less than three months.

(Code 1983, 4-37)

**Sec. 10-67 Killing or Removing from Jurisdiction Suspected Rabid Animals
Prohibited;Exception**

No person shall kill, or cause to be killed, any rabid pet or other animal, or one suspected of having been exposed to rabies or which has bitten a person, nor remove such pet or animal from the jurisdiction of the county without written permission of the county health department. An exception to the preceding requirement is in the event of the possibility of the animal's escape or additional biting in which case the animal is to be killed and the county health department notified immediately.

(Code 1983, 4-38)

Sec. 5.40. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal means any mammal of the order carnivore including, but not limited to, any dog, cat or related carnivores animal.

Animal control officer means any individual appointed by council to enforce this ordinance, wither a town employee or by contract with Lexington County.

Animal shelter means any premises designated by the town council for the purpose of impounding and caring for animals held under authority of this article.

At large means off the premises of the owner and not under the control of the owner and/or another person.

Humane officer means any person designated by the town council as a law enforcement officer or code enforcement officer charged with the responsibility of enforcing the ordinances of the town.

Kennel means any person engaged in the business of breeding, buying, selling or boarding animals.

Owner means any person owning, keeping or harboring animals.

Pet shop means any person engaged in the business of breeding, buying, selling or boarding animals of any species.

Restraint means that an animal is secured by a leash and under the control of the owner or a responsible person, within a vehicle, or within the fenced property of its owner, or within a pen. Use of invisible fencing, electronic fencing or similar type confinement does not constitute fencing, restraint or a pen within the meaning of this definition.

Veterinary hospital means any establishment maintained and operated by a licensed veterinarian for the diagnosis and treatment of diseases and injuries of animals.

Sec. 5.41. Permit and Inoculation Required.

No person shall, without first obtaining a permit therefore in writing from the animal control officer, own, keep, harbor or have custody of any animal over three months of age within the town limits. Any animal subject to rabies infection allowed in the town shall be inoculated against rabies each 12 months, and every animal so treated shall be registered by its owner. A tag bearing the inoculation registration number shall be securely attached to the animal's collar or harness at all times.

Sec. 5.42. Regulations Governing Issuance of Permits and Humane Care and Number of Dogs Kept in the Town.

The council shall promulgate regulations governing the issuance of permits, and such regulations shall include requirements for humane care of the owner's animals and for compliance with all provisions of this article and any other applicable state and local laws. The council may amend such regulations from time to time as it deems desirable for the public health and welfare and to protect animals from cruelty. It shall be unlawful for any person to keep on his/her private premises more than two animals of weaning size. The limitations shall not apply to animal hospitals or kennels maintained and operated by licensed veterinarians or other persons licensed to operate such facilities by the council.

Sec. 5.43. Applicable Fees.

Upon a showing by an applicant for a permit that he/she is prepared to comply with this article and the regulations promulgated by the council, a permit shall be issued following payment of the applicable fee. Fees required to be paid under this article shall be set from time to time by the council and a schedule of such fees shall be available in the town offices.

Sec. 5.44. Permit Renewal Required Annually; Notification.

A permit under this article, if not revoked, shall be valid for one year from each January 1 to the following December 31. A new permit shall be obtained each year by every owner and a new fee paid during the month of January each year. A late fee will be charged in addition to the fee required in section 5-42 to all persons who obtain a permit after January 31 of each year, except in the case of animals which on January 31 had not yet reached three months of age, or the animal being brought within the town limits, after January 31, in which case a permit shall be required within 30 days from the date the same was brought within the town limits or a late fee will be charged in addition to the fee required in Section 5.42. Any person known to the humane officer who fails to obtain a permit within the time required shall be notified of the requirements of this article in writing and advised that a permit must be obtained and a late fee paid within five days after a date specified in the written notice, and that failure to do so is a criminal offense that on conviction may result in punishment.

Sec. 5.45. Revocation of Permit.

The animal control officer may revoke any permit under this article if the person holding the permit refuses or fails to comply with this article, the regulations promulgated by the council, or any state or local law governing cruelty to animals or the keeping of animals. Any person whose permit is revoked shall, within ten days thereafter, humanely dispose of all animals being owned, kept or harbored by such person and no part of the permit fee shall be refunded. It shall be a condition of the issuance of any permit to any owner of animals kept for commercial purposes that humane officers and/or the animal control officer designated by the council shall be permitted to inspect all animals and the premises where animals are kept at any time and the animal control officer shall, if permission for the inspection is refused, revoke the permit of the refusing owner. Remedies shall be through the court system, and penalties set as determined in Section 14.5 of this Code.

Sec. 5.46. Permit to Destroy Squirrels Required.

The Town of Swansea may grant a permit to destroy squirrels inside the town limits under the following conditions:

1. Squirrels must not be shot on any man-made objects such as, but not limited to, power poles, power lines, cable lines, other aerial lines, fences, etc.
2. Squirrels must be shot at an angle of not less than 75 degrees.
3. Only shotguns may be used, not to exceed 20 ga., 2.5 drams eq. (1163 fps) powder equivalences, and shot not to exceed #6 in size.
4. Permittee must wear an orange vest provided by the Town
5. A copy of the permit issued by the town must be carried at all times while destroying the squirrels.
6. Discharging weapon without carrying a permit issued by the Town will revoke the permit and the person will be charged under applicable ordinances.
7. The permittee will assume all responsibility and liability for any and all damage or harm created by his/her action.
8. The permit issued by the Town expires 30 days after issuance
9. Permittee must dispose of dead squirrels properly. Dead squirrels will not be placed in household garbage.
10. The permittee must place a five dollar (\$5) deposit for vest to be refunded when returned after permit expires. Deposit is forfeited if not returned in fifteen (15) days after permit expires.
11. The permit does not waive any state or county laws or requirements.
12. The permittee must sign and date the permit on date of issuance.

Sec. 5.47. Unlawful Removal of Animal Tags.

It shall be unlawful for any person to remove a town dog tag or rabies vaccination tag from any animal belonging to another person unless by the direction of the owner thereof.

Sec. 5.48. Restraint Required; Running At Large Prohibited.

It shall be unlawful for any person owning or controlling any animal to allow to run at large in the town limits. All animals shall be kept under restraint at all times. Use of invisible fencing or similar passive restraint systems shall not constitute the restraint required by this section and shall not be deemed sufficient fencing to keep animals from running at large.

Sec. 5.49. Unrestrained Animals Impounded; Disposition.

Unrestrained animals may be taken by law enforcement, or the town humane officer, and impounded in an animal shelter, and there confined in a humane manner. Impounded animals shall be kept for a period not less than five days unless reclaimed by their owners. If by a permit tag or other means the owner can be identified, the humane officer shall immediately upon impoundment notify the owner by telephone of the impoundment of the animal. Animals not claimed by their owners within five days shall be humanely disposed of by the council or by an agency delegated by it to exercise that authority. The animal control officer or any one else delegated with this authority shall have the right to transfer title of all animals held at its shelter after the legal detention period has expired and the animal has not been claimed by its owner.

Sec. 5.50. Destruction of Ill or Injured Animals.

The code enforcement officer, humane officer or law enforcement officer shall have the authority to destroy or cause to be destroyed any animal which appears to be grievously ill or injured past recovery for any useful purpose.

Sec. 5.51 Shelter Fees; Impoundment Fee.

Animals shall be released from the animal shelter upon payment of the permit fee, if necessary, and proof of vaccination against rabies in the case of animals subject to rabies infection, and payment of the applicable shelter fees. The shelter fees shall consist of a fee per day or a fraction thereof that the animal has been impounded. There shall be an additional fee for the impoundment of an animal.

Sec. 5.52. Confinement of Dogs in Heat.

Every female dog in heat shall be confined in a building or secure enclosure, in such a manner that such female dog cannot come into contact with another animal except for planned breeding.

Sec. 5.53. Public Nuisance, Vicious Animals Prohibited.

No owner shall fail to exercise proper care and control of his/her animals to prevent them from becoming a public nuisance. Excessive, continuous or untimely barking; molesting passersby; chasing vehicles; habitually attacking other animals, domestic or wild; trespassing upon school grounds or trespassing upon private property shall be deemed a nuisance. No owner shall keep upon such owner's premises any animal that is deemed a nuisance. No owner shall keep or maintain a vicious animal in the town limits.

Sec. 5.54. Humane Care Required.

No owner shall fail to provide animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment. No person shall beat, cruelly ill treat, torment, overload, overwork or otherwise abuse any animal or cause or permit any dogfight or other combat between animals and humans. No owner of an animal shall abandon the animal.

Sec. 5.55. Quarantine of Animals.

Any animal which bites a person shall be quarantined for ten days. During quarantine the animal shall be securely confined and kept from contact with any other animal. At the discretion of the council, the quarantine may be on the premises of the owner. If the council requires other confinement the owner shall surrender the animal for the quarantine period to an animal shelter or shall, at the owner's expense, place it in a veterinary hospital.

Sec. 5.56. Handling of Rabid Animals.

No law enforcement officer or other person should kill, or cause to be killed, any animal suspected of being rabid, except after the animal has been placed in quarantine and the diagnosis of rabies made by a licensed veterinarian. If a veterinarian diagnoses rabies in an animal in quarantine, the animal shall be humanely killed and the head of such animal sent to a laboratory for pathological examination and confirmation of the diagnosis.

Sec. 5.57 Interfering with Enforcement Officer.

Any humane officer and code enforcement officer shall have police powers in the enforcement of this article and no person shall interfere with, hinder, molest or abuse the humane officer or code enforcement officer in the exercise of such powers.

Sec. 5.58. Applicability to Nonresidents.

The sections of this article requiring a permit shall not apply to nonresidents of the town who are keeping only domestic pets, provided that animals of such owners shall not be kept in the town longer than 30 days and that the animals are kept confined or on a leash.

Sec. 5.59. Penalty.

Any person violating any provision of this article shall be deemed guilty of a criminal offense and shall be punished in accordance with section 14.5. If a violation continues, each day's violation shall be deemed a separate violation. If any person is found guilty by a court of violating section 5-52 or 5-53 his/her permit to own, keep, harbor or have custody of animals shall be deemed automatically revoked and no new permit may be issued for a period of one year. If the owner is convicted, the dog shall be humanely disposed of as provided in section 5-48 in addition to any fine imposed.

Sec. 5.60 Ordinances in Conflict.

Any ordinances or parts of ordinances in conflict herewith are, to the extent of the conflict, hereby repealed.

Sec. 5.70. Establishment of Bird Sanctuary within the Town.

The entire area embraced within the corporate limits of the Town is hereby designated a bird sanctuary.

Sec. 5.71. Unlawful Interference with Birds.

Subject to Section 5-72 herein, it shall be unlawful to trap, hunt, shoot or attempt to shoot, or molest in any way any bird or wild fowl or to rob bird nests or wild fowl nests.

Sec. 5.72. Birds as a Nuisance.

If starlings or similar birds are found to be congregating in such numbers in a particular locality that they constitute a menace to health or property in the opinion of the town council then the town council through its representative shall meet with representatives of the Audubon Society, bird club, garden club or humane society, or as many of said clubs as are found to exist in the Town after at least three days actual notice of the time and place of said meeting has been given to the said representatives. If no satisfactory course of action is found to abate said nuisance at such meeting said birds may be destroyed in such numbers and in such manner as is deemed advisable by the council under the supervision of law enforcement.