

STATE OF SOUTH CAROLINA)

COUNTY OF OCONEE)

ORDINANCE NO. 2023-3

CITY OF WALHALLA)

AN ORDINANCE TO REPEAL AND REPLACE ORDINANCES 1976-15, 1980-4 AND 1987-6 AND REPLACE WITH; AN ORDINANCE TO PROVIDE FOR REGULATIONS REGARDING THE CONTROL OF DOGS.

WHEREAS, the City of Walhalla wishes provide a healthy and safe environment for visitors, citizens, employees and officials; and

WHEREAS, the City of Walhalla wishes to provide regulation on the control of dogs within the City of Walhalla; and

THEN, LET IT THEREFORE BE ORDAINED, by the City Council of Walhalla, SC to rescind Ordinance 1980-4 AND 1987-6 and replace in its entirety as follows:

Section 0. Title

Regulations for controlling dogs.

Section 1. Vicious dogs.

It shall be unlawful for any person to keep or maintain any vicious or ferocious dog within the corporate limits of the city.

If any person or property is injured or damaged by any such dog, the owner of such dog shall be prima facie guilty of a violation of this section.

A vicious dog is defined as, means an animal with a propensity, tendency or disposition to attack, to cause injury, or to otherwise endanger the safety of human beings or domestic animals; or any animal which attacks a human being or domestic animal one or more times without provocation; or any animal which has been quarantined for the second time for biting humans.

Section 2. Howling, diseased, or destructive dogs.

The howling or barking of any dog to such an extent as to interfere materially with or affect the health, comfort or peace and quiet of the people is hereby declared a nuisance if said noise, is made by a dog and continuing for more than four cumulative minutes in any

sixty-minute period.

It shall also be a nuisance to permit a dog to molest other dogs or pet animals, or to permit a dog to damage or destroy flowers, ornamental shrubs, or property of others.
A diseased or mangy dog is likewise declared to be a nuisance.

Any person harboring, keeping in possession, or having custody or control of any dog which constitutes a nuisance, as defined in this section, who shall fail or refuse to take such action or do such things as will abate such nuisance when required in writing to do so by the chief of police shall be guilty of a misdemeanor.

Section 3. Rabies inoculation and tags—Required.

It shall be unlawful for any person to own or have in possession any dog which has not been inoculated against rabies within the preceding twelve (12) months by a licensed veterinarian.

It shall be the duty of each person having a dog inoculated against rabies to obtain from the veterinarian at the time of inoculation a metal badge or tag so prepared as to be capable of being attached to the collar of the dog, which badge or tag shall bear an inscription showing that such dog has been inoculated against rabies and the year of such inoculation. This badge or tag shall at all times, be attached to the collar of the dog so inoculated. If any dog is found to not have said tags attached the owner of such dog shall be guilty of a violation of this section.

Except as otherwise provided, it shall be unlawful for any person to remove from the collar of a dog the metal tag or badge thereto attached and which was issued by a duly licensed veterinarian at the time of issuance of a certificate in accordance with this article.

Section 4. Confinement of animals in heat.

It shall be the duty of the owner or any person having control of any animal to securely confine such animal while such animal is in heat.

It shall be the duty of any police officer, animal control officer or other designated agent, to impound any such animal not confined as required in this section.

Section 5. Dogs at large.

It shall be unlawful for an owner of any dog to permit such dog to be at large, off the premises or property of the owner, without keeping such dog under restraint by a leash and in the control of a competent person.

It shall be unlawful to allow dogs to cause damage or destruction to, or defecate on public or private property other than on the property of the person owning or harboring such dog.

Dog owners walking dogs on public property including parks, natural areas, and sidewalks, where allowed must clean up after their dogs.

This provision shall not apply for a service animal in performance of its trained duties.

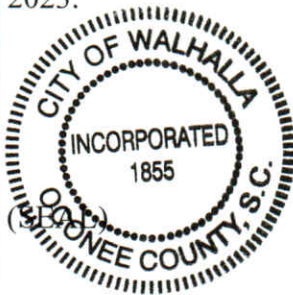
Section 6. Penalties for violation.

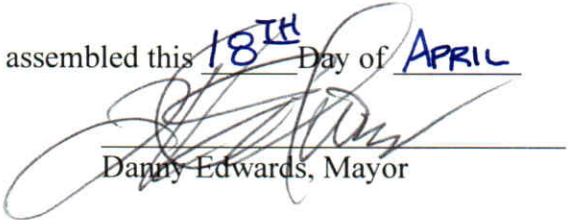
Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined an amount not to exceed two hundred (200) dollars or imprisoned for not to exceed thirty (30) days, or both. In the case of continuing violations each day of violation shall constitute a separate offense.

Section 7. Severability

It is hereby declared to be the intention of the city council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared to be unconstitutional or invalid by a judgment or decree of any court of competent jurisdiction, the same being final, such a judgment shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

AND IS DONE AND RATIFIED in Council Duly assembled this 18TH Day of APRIL 2023.





Danny Edwards, Mayor

ATTEST:
Timothy B. Burton
Timothy B. Burton, City Administrator

Introduced By: Mayor Edwards

First Reading: MARCH 21, 2023
Public Hearing,
Second Reading
And Adoption: APRIL 18, 2023