

COUNTY COUNCIL OF BEAUFORT COUNTY
ADMINISTRATION BUILDING
BEAUFORT COUNTY GOVERNMENT ROBERT SMALLS COMPLEX
100 RIBAUT ROAD
POST OFFICE DRAWER 1228
BEAUFORT, SOUTH CAROLINA 29901-1228
TELEPHONE: (843) 255-2180
www.bcgov.net

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COUNTY ATTORNEY

CONNIE L. SCHROYER
CLERK TO COUNCIL

AGENDA
GOVERNMENTAL COMMITTEE

(Includes Public Safety Division)

Tuesday, September 4, 2018

4:00 p.m.

Executive Conference Room, Administration Building
Beaufort County Government Robert Smalls Complex
100 Ribaut Road, Beaufort

Governmental Committee Members:

Gerald Dawson, Chairman
Steve Fobes, Vice Chairman
Mike Covert
Brian Flewelling
York Glover
Jerry Stewart
Roberts "Tabor" Vaux

Staff Support:

Phil Foot, Assistant County Administrator
Public Safety

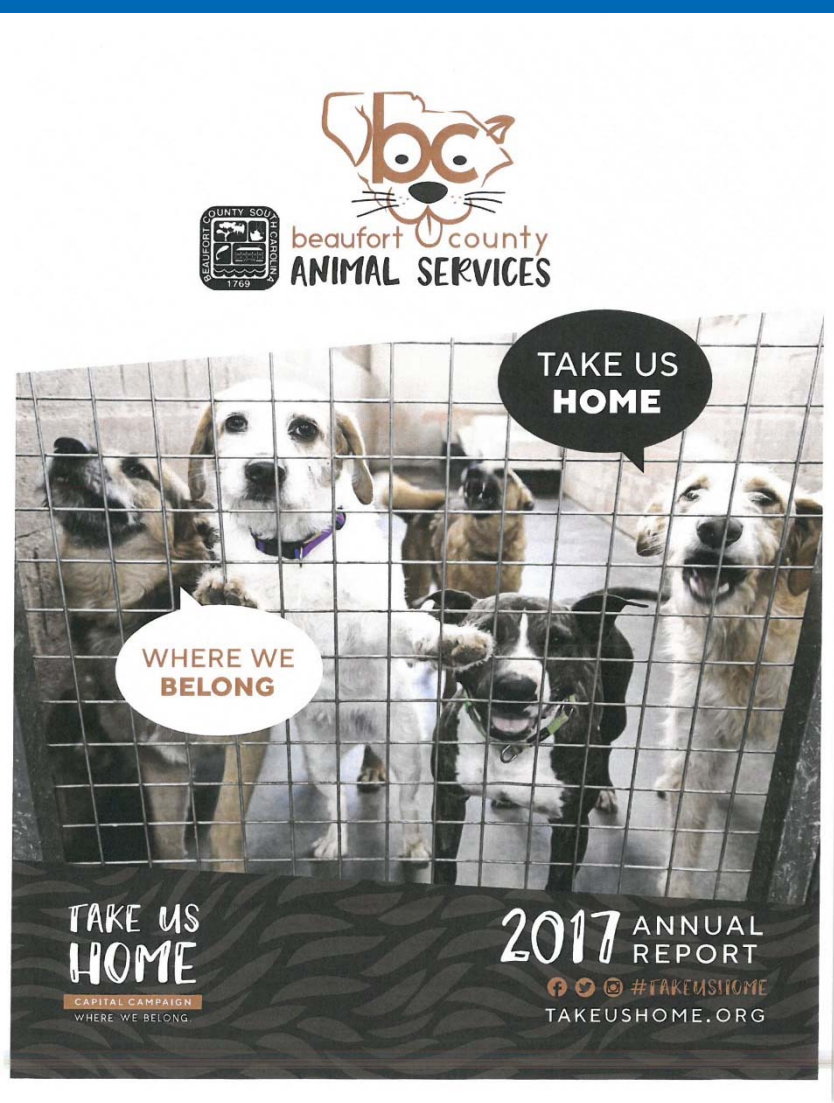
1. CALL TO ORDER – **4:00 P.M.**
2. PRESENTATION / BEAUFORT COUNTY ANIMAL SERVICES 2017 ANNUAL REPORT
([backup](#))
3. TEXT AMENDMENTS TO THE BEAUFORT COUNTY CODE OF ORDINANCES,
CHAPTER 14 - ANIMALS ([backup](#))
4. TEXT AMENDMENTS TO THE BEAUFORT COUNTY CODE OF ORDINANCES,
CHAPTER 90 – PARKS AND RECREATION ([backup](#))
5. CONSIDERATION OF CONTRACT AWARD / EMERGENCY MEDICAL SERVICES (EMS)
PURCHASE FOR TWO AMBULANCES ([backup](#))
6. DISCUSSION / JACOB KIT PROGRAM (SMALL LIFE-SAVING TRAUMA KIT)
7. CONTINUED DISCUSSION / DRIVING UNDER THE INFLUENCE (DUI) PROSECUTION
8. CONSIDERATION OF REAPPOINTMENTS AND APPOINTMENTS
 - A. Construction Adjustments and Appeals Board / One Vacancy (Construction Building)
 - B. Lady's Island/St. Helena Island Fire District / One Vacancy (Lady's Island)
9. ADJOURNMENT



Beaufort County Animal Services

Public safety for people, pets, and wildlife





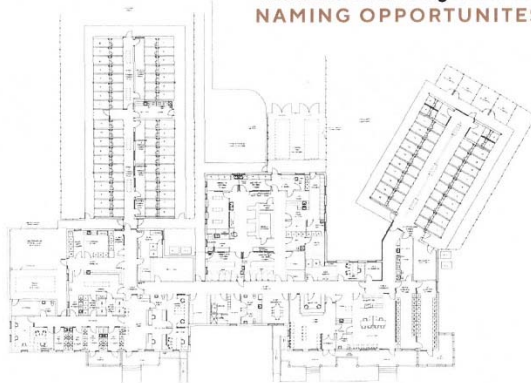
2017 Report



OPEN TO
THE PUBLIC
**DECEMBER
2018!**



Visit **TakeUsHome.Org** for available
NAMING OPPORTUNITIES!






FLOOR PLAN

BEAUFORT COUNTY ANIMAL SERVICES
& HUMANE SOCIETY ASSOCIATION

ARCHITECT: JAMES H. HARRIS
INTERIOR DESIGN: JAMES H. HARRIS
DATE: 11/15/17



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On track and within budget



TRAILS FOR TAILS

PERSONALIZED, ENGRAVED BRICK
COMMUNITY WALKWAY

The Beaufort County Animal Campus **TRAILS FOR TAILS** personalized brick campaign offers you the opportunity to help build a new home for Beaufort County animals and mark your spot within the brand new Beaufort County Animal Campus!

Your personalized brick will be engraved according to your specifications and become part of a memorial walkway at the new Beaufort County Animal Campus. Whether you choose to engrave your brick with your family's name, in memory of a loved one, a companion animal or with an inspirational quote or, **TRAILS FOR TAILS** bricks will be observed by many for years to come at the new Beaufort County Animal Campus.

Your purchase will not only become a permanent part of the memorial walkway at the new Beaufort County Animal Campus but will also help to support animals in Beaufort County.

TO **PURCHASE A BRICK**
OR LEARN MORE VISIT
TAKEUSHOME.ORG

YOUR PET'S NAME
YOUR NAME
YOUR LOGO

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Trails for Tails



RETENTION VS. APPREHENSION

BEAUFORT COUNTY ANIMAL SERVICE OFFICERS

Education helps achieve success. We understand that whenever new information arises, not every citizen in Beaufort County has the resources to check their compliance. Our Animal Service Officers have been working diligently under the case study of "Retention vs. Apprehension". We've been able to successfully reduce the number of court appearances while increasing the number of home retentions.




1,487 CASES
IN 2017

NORTH SIDE	% OF CASES	TOTAL # CASES
------------	------------	---------------

BURTON	31%	331
LADY'S ISLAND	15%	162
SAINT HELENA	16%	164
CITY OF BEAUFORT	19%	205
SEABROOK	7%	74
PORT ROYAL	5%	52
GRAYS HILL	1%	13
SHELDON	2%	24
YEMASSEE	1%	15
SHELL POINT	<1%	9
DALE	<1%	3
FRIPP	<1%	2

SOUTH SIDE	% OF CASES	TOTAL # CASES
------------	------------	---------------

BLUFFTON	58%	249
HILTON HEAD ISLAND	36%	155
OKATIE	5%	24
PRITCHARDVILLE	1%	5
DAFUSKIE ISLAND	0	0

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1,487 cases



BEAUFORT COUNTY ANIMAL SERVICE OFFICERS

Ever since our Beaufort County Sheriff's Department rendered the responsibility of Animal Control to our county Commissioned Officers, the world of Animal Services has changed and made an impressive impact on the world of Enforcement.

**EDUCATING THE PUBLIC
IS OUR #1 GOAL.**




In the beginning of the year, we kept seeing the same pattern occur in our complaints. Being that the same incidents have occurred multiple times in different areas of the county, our officers set out to survey the public on why these things happen.

After careful review and numerous strategies built, our officers took in the information provided by the community to help better serve the community. The end results showed us that not everyone in Beaufort County has the means to provide for their animals. Tasks such as; Rabies Inoculations, Tethering Lines, Spay/Neuter Operations, Housing, and even transportation has been an issue, even for the wealthiest of the communities here in Beaufort County.

From assisting with proper housing to requiring a vet visit, our Animal Service Officers work with many Animal Cruelty Investigations and have been able to retain most of the animals to their own property; only some of the cases resulted in the conviction of Animal Cruelty.

**PLEASE UNDERSTAND THAT YOUR
ANIMAL SERVICE OFFICERS ARE HERE
TO HELP YOU.**



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Proactive Animal Service Officers

BEAUFORT 
COUNTY

OVERPOPULATION, EUTHANASIA, INTAKE, **REDUCED** CRUELTY & COST

Our critical areas of focus continue reducing our Euthanasia. Our new Animal Campus opening in December 2018 will create a more efficient, environmentally sound and healthy facility for us to effectively reduce!

REDUCED **our**
EUTHANASIA BY **50%**
since 2011.



EUTHANIZED SPECIES

DOG	36	30%
PITBULLS	83	70%
TOTAL	119	4%
CAT	116	9%
FERALS	150	56%
TOTAL	266	11%

EUTHANASIA REASON // DOGS

AGGRESSION/BEHAVIOR	79
ILLNESS/DYING	40
TOTAL	119

EUTHANASIA REASON // CATS

AGGRESSION/FERAL	171
ILLNESS/DYING	94
TOTAL	266

YEAR COMPARISONS

2011 • 3,120 • 62%	2015 • 731 • 21%
2012 • 1,750 • 37%	2016 • 566 • 17%
2013 • 1,228 • 27%	2017 • 385 • 12%
2014 • 1,046 • 23%	



CELEBRATED A
LIVE RELEASE
RATE OF **86%**

WHAT IS LIVE RELEASE?

Animals who leave the shelter alive through return to owner, adoption or relocation to another organization for adoption.

115 Dogs
470 Cats
54 Other
615
ADOPTED

767 Dogs
662 Cats
9 Other
1,441
RELOCATED

373 Dogs
232 Cats
611
RETURNED
TO OWNER

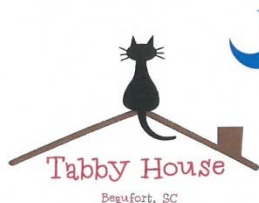
YEAR COMPARISONS

2011 • 33% 2017 • 86%

REDUCE

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BEAUFORT **COUNTY**






261 FELINES
ADOPTED AT
TABBY HOUSE

22,995 ESTIMATED VOLUNTEER
(based of 7 hour days, 7 days a week, 3 shifts of 3 volunteers) HOURS

1688
FELINES
TRANSFERRED IN

662
FELINES
TRANSFERRED OUT



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Tabby House

BEAUFORT 
COUNTY

PITBULL & PITBULL MIXES

LENGTH OF STAY AT BEAUFORT COUNTY ANIMAL SERVICES

EXCEED 30 DAYS

verses other breeds that typically stay




LESS THAN **5 DAYS.**

371 TOTAL
INTAKE

94% of 352
PITBULLS were
LIVE RELEASE



THE SPAY AND NEUTERS
HAVE INCREASED
BY MORE THAN
100%

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Free Spay & Neuters

BEAUFORT 
COUNTY

OVERPOPULATION,
EUTHANASIA, INTAKE, **REDUCED**
CRUELTY & COST



BEAUFORT COUNTY ANIMAL SERVICES &
HILTON HEAD HUMANE WORKED TOGETHER TO

SPAY & NEUTER

OVER **4,000** ANIMALS.

TOGETHER, THEY HAVE **INCREASED**
SPAYS/NEUTERS IN BEAUFORT COUNTY
BY MORE THAN
600% SINCE 2011!




BEAUFORT COUNTY ANIMAL SERVICES
& HILTON HEAD HUMANE'S

SPAY NEUTER ANIMAL CLINIC
MICROCHIPPED
2743 ANIMALS
IN 2017

Only about 22% of lost dogs that entered the animal shelters were reunited with their families. However, the return-to-owner rate for microchipped dogs was over 52% (a 238% increase). Less than 2% of lost cats that entered the animal shelters were reunited with their families. The return-to-owner rate for microchipped cats was dramatically higher at over 38% (more than 2000% better). Only 58% of the microchipped animals' microchips had been registered in a database with their pet parent's contact information.



MICROCHIPPING INCREASED BY **63%** IN 5 YEARS

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Over 4,000
spayed/neutered

BEAUFORT 
COUNTY

THANK YOU!

TO OUR LOCAL GROUPS WHO
HELPED OUR ANIMALS IN 2017!



COASTAL VETERINARY CLINIC



petco



Pet Helpers






**PORT ROYAL
VETERINARY HOSPITAL**

Your Other Family Doctor



GRACE FARM ANIMAL RESCUE

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Better Together

BEAUFORT 
COUNTY



To: Councilman Gerald Dawson, Chairman, Governmental Committee, and members.

From: Philip Foot, CJM. Public Safety Division Director; Tallulah Trice, Director Animal Services; Chris Inglese, Esq. Assistant County Attorney

Subject: The Proposed Changes to Chapter 14- ANIMALS

Date: 8/3/2018

Executive Summary:

Beaufort County Animal Services (BCAS) is submitting this proposal seeking Council's approval of proposed amendments to Chapter 14: ANIMALS. The revised ordinances will help BCAS make Beaufort County a safer place for its residents and pets.

The key changes are as follows:

14-27: Muzzle is now defined as a guard, typically made of straps or wire, fitted over part of an animal's face to stop it from biting or feeding.

14-29 (d): County license and fees: The director of BCAS will establish a fee schedule subject to approval by County Council.

14-30: Restricted breeds- definition of PitBull is clarified to expressly include American Bully, American Bulldog and Cane Corso, all of which are relatively new mixed breeds of Pit bull. This section reduced the days to comply with spay/neuter requirements from 30 days to 10 days to align with the time provided for an appeal of the breed determinations.

14-32: Dangerous Dog. Added that a magistrate may deem a dog dangerous in cases where a serious injury occurred to a human other than the owner, regardless of provocation or location. Expanding the ability for magistrates to deem a dog dangerous will protect the public from dogs that are dangerous but do not fit neatly into the existing categories.

Note: Cases are sometimes unclear as to whether the animal was provoked (for example the case of the blind dog, or the child). These cases occurred in the animal's normal place of confinement, with unclarity about provocation but resulted in serious bodily harm to a human.

14-32 (b)(2): Dangerous Dog. The Animal Services Officers may take temporary possession of an animal initially determined to be dangerous in cases where a human or other animal has been injured, until final hearing before a Magistrate judge.

Note: Currently Animal Services Officers need to obtain a pick up order to temporarily gain custody of an alleged dangerous dog, unnecessarily burdening the court and staff.

14-34 (d): Includes what classifies a pet as a nuisance.

14-35 (f): Animals cannot be tethered during named Tropical Storms and named Hurricanes.

14-38 (f): Only government agencies and organizations that are “contracted” with government agencies can perform animal control services have authority to impound animals. All stray animals must be taken to shelter or affiliated organizations.

14-47(d): Provides that a magistrate has the authority to order possession and custody of an animal to BCAS when a person is in violation of the ordinance.

14-47 (f): Administrative citations and penalties. Ordinance proposes to include a process for administrative citations and penalties. Violations subject to administrative citations and penalties include but are not limited to: mandatory dog licenses/registrations, mandatory rabies vaccinations, permitting a dog to run at large, mandatory spay/neuter, and warnings for a noisy public nuisance animal.

Note: Administrative citations are for non-criminal charges. Certain violations should be handled administratively instead of as criminal charges in the Magistrate Court. We estimate reducing the animal court docket by 50%-60%.

Chapter 14 - ANIMALS^[1]

Footnotes:

--- (1) ---

Cross reference— Environment, ch. 38; health and sanitation, ch. 46; agricultural use regulations, § 106-1156 et seq.

ARTICLE I. - IN GENERAL

Secs. 14-1—14-25. - Reserved.

ARTICLE II. - ANIMAL CONTROL^[2]

Footnotes:

--- (2) ---

Editor's note— [Ord. No. 2015/27](#), adopted Oct. 12, 2015, amended art. II in its entirety to read as herein set out. Former art. II pertained to the same subject matter, consisted of §§ 14-26—14-37, and derived from [Ord. No. 2010/7, adopted Apr. 26, 2010](#); [Ord. No. 2010/27, adopted Nov. 8, 2012](#); [Ord. No. 2015/18, adopted Jun. 23, 2015](#); [Ord. No. 2015/23, adopted Aug. 10, 2015](#); and [Ord. No. 2015/26, adopted Sept. 28, 2015](#).

Sec. 14-26. - Authority for and enactment of chapter.

Sec. 14-26. - Authority for and enactment of chapter.

This article is hereby authorized by S.C. Code 1976, § 47-3-20, as amended. (Ord. No. 2015-27, 10-12-2015)

Sec. 14-27. - Definitions.

Whenever used in this chapter, unless a contrary intention is clearly evidenced, the following terms shall be interpreted as herein defined.

Abandonment shall mean to desert, forsake, or intend to give up absolutely a pet or livestock without securing another owner or without providing for adequate food, water, shelter, and care. An animal is considered abandoned when it has been left unattended for 24 hours.

Animal shall mean a live vertebrate creature except a human being.

Animal services director means any person so appointed by the county administrator.

Animal services facility shall mean any facility so designated by the county council.

Animal services officer shall mean any person employed by the county as an enforcement officer of the provisions of this chapter.

BCAS shall mean Beaufort County Animal Services, any place or premises designated by Beaufort County Council for the purpose of impounding, care, adoption, or euthanasia of dogs and cats held under the authority of this chapter.

Breeder shall mean any person owning unaltered pets with the intent of selling pets' offspring.

Domestic shall mean any animal which shares the genetic makeup and/or physical appearance of its ancestors, which were historically domesticated for human companionship and service.

Dub shall mean to trim or remove.

Feral shall mean any animal that was domesticated at one time, but now lives in the wild or a controlled colony, or that have been born in the wild and have not been domesticated.

Kennel shall mean a small shelter for a dog, cat or other animal.

Livestock shall mean all classes and breed of animals, domesticated or feral, raised for use, sale or display.

Muzzle shall mean a guard, typically made of straps or wire, fitted over part of an animal's face to stop it from biting or feeding.

Non-domestic shall mean any animal which shares the genetic makeup and/or physical appearance of its ancestors, which were not historically domesticated for human companionship and service.

Nuisance shall mean a pet or livestock that disturbs the rights of, threatens the safety of, or damages a member of the general public, or interferes with the ordinary use and enjoyment of their property.

Owner shall mean any person who:

1. Has a property right in an animal;
2. Keeps or harbors an animal or who has it in his or her care or acts as its custodian; or
3. Permits an animal to remain on or about any premises occupied by him or her for three or more days.

Pet shall mean any animal which may be legally held as a pet by a private citizen without special permit or permission; i.e., dog (*canis familiaris*) and/or a domestic cat (*felis catus domesticus*).

Pit Bull shall mean any dog that is an American Pit Bull Terrier, American Staffordshire Terrier, **Staffordshire Bull Terrier, American Bulldog, American Bully, Cane Corso**, or any dog that exhibits physical characteristics which predominantly conform to the standards established by the American Kennel Club (AKC), United Kennel Club (UKC), or American Dog Breeders Association (ADBA) for any of the above breeds.

Serious injury shall mean death or any physical injury that results in severe bruising, muscle tears, or skin lacerations requiring sutures or other professional medical treatment or requires corrective or cosmetic surgery.

Shelter shall mean a structure made of durable material with 4 walls, a roof and floor, that allows retention of body heat and is of suitable size to accommodate the animal and will reasonably be expected to protect the animal from physical suffering or impairment of health due to exposure to the elements or adverse weather.

Tethering shall mean a chain, rope, leash, cable, or other device that attaches the pet via a collar or harness to a single stationary point.

Strict voice control shall mean demonstrable control or governance of the behavior of any animal as if such animal were controlled by a leash. However, when an animal destroys or damages any property, attacks, threatens to attack, or interferes with any person in any manner, becomes a nuisance, or strays onto the private property of another, there shall be a presumption of law that the animal was not under strict voice control.

Unaltered shall mean a pet which has not been spayed or neutered.

Under restraint shall mean when any pet that is off the property of the owner is controlled by a leash; is within the property limits of its owner and is confined by fence, chain, or other appropriate measure; or confined by fence, chain, or other appropriate measure within the property of another with permission of the person in control of the property.

(Ord. No. 2015/27, 10-12-2015)

Cross reference— Definitions generally, § 1-2. **Sec. 14-28. - County pet license; rabies vaccination tags.**

It shall be unlawful for the owner of any pet to fail to provide any pet over four months of age with a current county annual or lifetime license. The owner of any pet over four (4) months of age must also have a current rabies vaccination tag securely attached to a collar or harness and be visible as proof the pet has been vaccinated by a licensed veterinarian. No county license will be issued unless proof of rabies inoculation is shown. Any pet owner who moves into the county for the purpose of establishing residency shall have 30 days in which to obtain the license.

([Ord. No. 2015/27, 10-12-2015](#))

Sec. 14-29. - Lifetime/annual pet license issuance, fees and exemptions.

(a) Eligibility. The owner of a pet after being spayed/neutered and permanently identified, may apply to BCAS for a lifetime license; the lifetime pet license is only for Beaufort County, South Carolina.

(b) Permanent identification requirement. A person applying for an annual license or lifetime license shall choose either a tattoo, a BCAS approved tag, or implantation of a microchip as the means of

permanent identification for the pet. Lifetime licenses are transferable to new owners, upon the new owner completing a new BCAS pet license application, permanent identification form and when applicable, a new registration with the micro-chipping company. For permanent identification of restricted breeds, see Section 14-30.

(c) Pets previously microchipped. If a person has previously had a microchip implanted for his/her pet and seeks to obtain a lifetime license for the pet, the applicant shall:

- (1) Obtain and complete both a lifetime license application and a verification of permanent identification form as prescribed by BCAS.
- (2) Have a licensed veterinarian or **shelter employee** scan the pet to assure the microchip has been properly implanted and to obtain the identifying number of the microchip.
- (3) The pet owner and the licensed veterinarian shall complete, date, and sign the verification of a permanent identification form for the pet in which the microchip was scanned. The verification of permanent identification form must set forth the identifying number of the microchip scanned, identify the pet by breed and delineate the age, sex, color, and markings and whether it has been spayed or neutered. In addition, it must contain the name, address, and phone number of the pet's owner and the name, business address, and phone number of the person scanning the microchip number. If a veterinarian is involved, the veterinarian shall set forth his/her veterinary practice license number on the verification of permanent identification form.

(d) County license and fees.

The Director of BCAS shall establish a fee schedule subject to the approval of County Council.

All pet owners of dogs and cats in Beaufort County shall obtain either a lifetime or annual pet license.

Lifetime pet license. To be eligible for a lifetime pet license a pet shall:

- (1) Be spayed or neutered
- (2) Microchipped
- (3) Pay the appropriate one-time fee per the published fee schedule.

Annual Pet license. All other pets shall be subject to an annual pet license and annual fee, except that the following exemptions may be eligible for a lifetime license:

- (1) Any owner of a pet who can furnish a statement from a licensed veterinarian that the pet, due to health reasons, could not withstand spay/neuter surgery may receive a lifetime license.
- (2) Any owner of a dog that is currently being used for hunting purposes. Owner must provide a copy of a valid South Carolina hunting license by the proper state agency and proof that the dog

is properly registered with the South Carolina Department of Natural Resources. Under this exemption, the dog owner may receive a lifetime license without spaying or neutering the dog.

(Ord. No. 2015/27, 02-01-2018)

Sec. 14-30. - Declaration of restricted dog, appeal of breed determination.

(a) For the purposes of this section, a restricted dog shall be defined as a Pit bull.

(b) No person may own, keep, or harbor a restricted dog in violation of this section.

(c) An owner or custodian of restricted dogs must have the dog spayed or neutered unless the owner of the restricted dog provides BCAS written proof one of the following exemptions applies:

(1) The restricted dog is less than four months of age;

(2) A licensed veterinarian has examined the animal and signed a written certificate stating that at such time spaying or neutering would endanger the animal's health because its age, infirmity, disability or other medical consideration. The certificate shall state the period of exemption from this requirement and shall not be valid for more than 12 months from the date of issuance.

(3) The determination of the dog's breed is under appeal pursuant to section 14-30(f);

(4) The owner or custodian has owned or had custody of the dog less than 30 days.

(d) An owner or custodian of a restricted dog must provide for the dog's permanent identification by implantation of a BCAS approved microchip.

(e) Determination of breed and appeal of determination.

(1) Determination. The director of BCAS or his or her designee, in his or her discretion, may make an initial breed determination upon contact with, or impoundment of a dog. The determination shall be made by the director or designee in accordance with BCAS's breed determination checklist. Technical deficiency in the dog's conformance to the standards defined in section 14-27 for pit bulls shall not be construed to indicate the dog is not a pit bull dog under this section.

(2) Notice. Upon determination of the breed, the animal services officer shall deliver written notice of determination to the owner or any adult residing at the premises where the animal is located or by posting on the premises if no adult is present. The notice shall include the determination of breed, mandatory spay and neuter requirements, an administrative penalty and notice of appeal process.

(3) [Compliance.] The owner or custodian of an unaltered restricted dog shall comply with this article within 10 days after receipt of notice of restricted dog determination. Upon compliance,

the owner or custodian shall submit written documentation to BCAS confirming compliance. If ownership of the dog is transferred within the time for compliance the original owner or custodian must provide BCAS with the new owner's name and address.

(f) Appeal. Notice of a declaration of breed determination constitutes a final determination that the dog is a restricted dog, unless the owner or custodian requests a hearing in writing to the **Beaufort County Magistrate Court** within ten days of service of the notice.

([Ord. No. 2015/27, 10-12-2015](#))

Sec. 14-31. - Pet breeder license, inspection and fees.

It shall be unlawful for a pet breeder to fail to obtain a county pet breeder license. The requirements for such a license are as follows:

- (a) Individuals engaged or intending to engage in breeding, , must obtain a non-transferable, pet breeder license from BCAS.
- (b) Applicants must have a valid county annual pet license **and microchip** for all pets before applying for the pet breeder license.
- (c) BCAS shall conduct an inspection of the identified property for the pet breeders license requested by the applicant to determine whether the applicant qualifies to hold a pet breeder license pursuant to this section.
- (d) To qualify for a pet breeder license the applicant must demonstrate the following:
 - (1) The enclosure where the pets are being kept shall be constructed in such a manner that any pets housed there will be adequately and comfortably kept in any season of the year.
 - (2) All pet enclosures must be constructed in such a manner they can be easily cleaned and sanitized. Any kennels or yards that are connected or are used to confine the pets must be kept clean and free from accumulations of feces, filth, mud, and debris.
 - (3) Every pet on the premises must have access to sufficient good and wholesome food, and water at all times.
 - (4) The premises must be set up in such a manner as to not allow pets to stray beyond its enclosed confines. The setup must also prevent the public and stray animals from obtaining entrance into or gaining contact with any pets on the premises.
- (e) A license will not be issued to an applicant that has pled no contest, or has been found to have violated any federal, state, or local laws or regulations pertaining to animal cruelty within five years of the date of application.

(f) The pet breeder license fee published in the fee schedule approved by County Council. The license shall expire 365 days after the date it is issued.

(g) Any violations found under the provisions of this chapter shall be grounds for the suspension of the pet breeder license if deemed necessary by the Beaufort County Animal Services.

([Ord. No. 2015/27, 10-12-2015](#))

Sec. 14-32. – Dangerous animals.

(a) For the purposes of this section, a dangerous or vicious animal shall be defined to be any one of the following:

- (1) An animal which the owner knows or reasonably should know has a propensity, tendency, or disposition to attack unprovoked, cause injury, or to otherwise endanger the safety of human beings or domestic animals;
- (2) An animal which makes an unprovoked attack that causes bodily injury to a human being and the attack occurs in a place other than the place where the animal is confined;
- (3) An animal which commits unprovoked acts in a place other than the place where the animal is confined and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to a human being;
- (4) An animal which is owned or harbored primarily or in part for the purpose of fighting or which is trained for fighting;
- (5) An animal which is used as a weapon in the commission of a crime;
- (6) An animal which causes serious injury to a human being, other than the owner, regardless of provocation or location.

(b) Declaration of a dangerous animal, confinement requirements, and final determination of dangerous animal declaration.

(1) Declaration. An animal services officer or law enforcement officer, in his or her discretion, may make an initial determination that an animal is dangerous. Upon the initial determination, the officer shall deliver written notice to the owner or any adult residing at the premises where the animal is located or by posting on the premises if no adult is present. The notice shall include a description of the animal, a hearing date, confinement requirements and registration requirements.

(2) When, in the discretion of an animal services officer or law enforcement officer, the animal initially determined to be dangerous has caused injury to another animal or human, the officer may take temporary possession of the animal during the pendency of the final dangerous dog determination hearing before a Magistrate Judge.

(2) Confinement requirements and registration. Every dangerous animal, as determined under this section, shall be confined by the owner within 72 hours of the notice of dangerous dog determination and until the final determination of the dangerous dog declaration:

- a. All dangerous animals shall be securely confined within an occupied house or residence or in a securely enclosed and locked pen or kennel, except when leashed as provided in this section. Such pen, kennel or structure must have secure sides and a secure top attached to the sides.
- b. The pen or kennel must be clearly marked as containing a dangerous animal.
- c. No person shall permit a dangerous animal to go outside its kennel or pen unless such animal is securely leashed and muzzled with a leash no longer than six feet in length.
- d. The owner of a dangerous animal must provide BCAS with proof of liability insurance or surety bond of at least \$50,000.00.

e. The owner must obtain a dangerous animal registration/license from BCAS and pay a fee on the BCAS fee schedule subject to County Council approval.

(3) Final determination of dangerous animal declaration. Notice of a declaration of a dangerous animal constitutes an initial determination that the animal is dangerous or potentially dangerous. A final determination shall be made by the Beaufort County Magistrate Court within 30 days or as soon as practicable.

(e) Exemptions. A dog working in a law enforcement capacity with a governmental agency and in the performance of the dog's official duties.

([Ord. No. 2015/27, 10-12-2015](#))

Sec. 14-33. - Running at large.

(a) [Unlawful.] It shall be unlawful for any owner or custodian of any dog to allow the same to run at large except on property owned or rented by the owner or custodian. All dogs, must be kept under restraint or confinement and under the physical control of the owner or custodian by means of a leash or other physically attached similar restraining device.

(b) Exemption. Except as provided herein, no person shall bring or allow any dog, or any other animal on the beach that is not at all times on a leash between the hours of 10:00 a.m. and 5:00 p.m. from April 1 through the Thursday before Memorial Day weekend and from the Tuesday after Labor Day weekend through September 30. No person shall bring or allow any dog, or any other animal, on the beach between the hours of 10:00 a.m. and 5:00 p.m. from the Friday before Memorial Day weekend through the Monday of Labor Day weekend. No person shall bring or allow any dog or any other animal on the beach that is not on a leash or under positive voice control of the responsible person between 5:00 p.m. and 10:00 a.m. from April 1 through September 30. No person shall bring or allow any dog or any other animal on the beach that is not on a leash or under positive voice control at any hour from October 1 through March 31.

No person shall permit any excrement from any animal under that person's control to remain on the beach, but shall dispose of same in a sanitary manner.

From April 1 through the Thursday before Memorial Day weekend and from the Tuesday after Labor Day weekend through September 30 of each year, dogs or any other animal, other than seeing-eye dogs, shall not be allowed in any designated swimming area unless on a leash and walking through the area between 10:00 a.m. and 5:00 p.m.

(c) Exempt dogs. Dogs that are participating in hunting events, obedience trials, conformation shows, tracking tests, herding trials, lure courses and other events similar in nature shall not be considered "at large."

([Ord. No. 2015/27, 10-12-2015](#))

Sec. 14-34. - Nuisance pets or livestock.

(a) The actions of a pet or livestock constitute a nuisance when a pet or livestock disturbs the rights of, threatens the safety of or injures a member of the general public, or interferes with the ordinary use and enjoyment of their property.

(b) It shall be unlawful for any person to own, keep, possess, or maintain a pet or livestock in such a manner so as to constitute a public nuisance. By way of example, and not of limitation, the following acts or actions by an owner or possessor of any pet or livestock are hereby declared to be a public nuisance and are, therefore, unlawful:

(1) Failure to exercise sufficient restraint necessary to control a pet or livestock as required by section 14-33.

(2) Allowing or permitting a pet or livestock to damage the property of anyone other than its owner, including, but not limited to, turning over garbage containers or damaging gardens, flowers, or vegetables.

(3) Failure to maintain a dangerous animal in a manner other than that which is described in section 14-32.

(4) Maintaining pets or livestock in an environment of unsanitary conditions which results in offensive odors or is dangerous to the pet or livestock or to the public health, welfare, or safety.

(5) Maintaining his or her property in a manner that is offensive, annoying, or dangerous to the public health, safety, or welfare of the community because of the number, type, variety, density, or location of the pets or livestock on the property.

(6) Allowing or permitting a pet or livestock to bark, whine, or howl in an excessive, unwarranted, and continuous or untimely fashion, or make other noise in such a manner so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises.

(7) Maintaining a pet or livestock that is diseased and dangerous to the public health.

(8) Maintaining a pet or livestock that habitually or repeatedly chases, snaps at, attacks, or barks at pedestrians, bicycles, or vehicles.

(9) Every female pet or livestock in heat shall be confined in a building or secure enclosure in such a manner as will not create a nuisance by attracting other pets or livestock.

(c) A pet or livestock that has been determined to be a habitual nuisance by BCAS may be impounded and may not be returned to the owner until said owner can produce evidence to demonstrate that the situation creating the nuisance has been abated.

([Ord. No. 2015/27, 10-12-2015](#))

(d) It shall be unlawful for any owner of any animal to allow the animal to disturb any person by excessive, unrelenting, or habitual barking, howling, yelping, or other audible sound. In addition to being

a violation of this Section, the same is hereby declared to be a public nuisance that may be abated pursuant to the provisions specified in Chapter 14 of this Code.

(1) No person shall be charged with violating this Section unless a written warning was given to the owner or person in custody of the animal by an Animal Services Officer or police officer within 12 months preceding the first date alleged as a date of violation in the complaint. A warning is given under this subsection if it is personally given to the owner or person in custody of the animal, or it is posted upon the property of the owner or person in custody or mailed first-class to such person. Such records are prima facie evidence that such warnings were given.

(2) No administrative penalty or summons shall be issued and no person shall be convicted at trial for violating this Section unless two or more witnesses from different households testify to the loud and persistent or loud and habitual nature of the noise, or unless there is other evidence corroborating the testimony of a single witness.

(Ord. No. 2015/27, 02-01-2018)

Sec. 14-35. - Animal cruelty.

(a) Animal care generally. It shall be unlawful for an owner to fail to provide his animals with sufficient good and wholesome food, water at all times, proper shelter and protection from weather, and humane care and treatment.

(b) Mistreatment. It shall be unlawful for a person to beat, cruelly treat, torment, overload, overwork, or otherwise abuse an animal or cause, instigate, or permit any dogfight or other combat between animals or between animals and humans.

(c) Physical alteration. It shall be unlawful for a person to dye or color artificially any animal or fowl, including, but not limited to, rabbits, baby chickens, and ducklings, or to bring any dyed or colored animal or fowl into the county. No person shall crop or dub a pet or livestock's ears or tail or wattle or comb, except a licensed veterinarian.

(d) Abandonment. It shall be unlawful for any owner to abandon an animal.

(e) Unlawful tethering. No person owning or keeping a dog shall chain or tether a dog to a stationary object, including, but not limited to, a structure, dog house, pole, stake, or tree in any manner or by any method that allows the dog to become entangled or injured. A tethering device employed shall not allow the dog to leave the owner's, guardian's or keeper's property. The tether shall be designed for dogs and devices not designed for tethering dogs shall not be used. Only a properly fitted harness, collar or other tethering device specifically designed for the dog may be used. No chain or tether shall weigh more than one-eighth of the dog's body weight. When tethered to a stationary object, the tethering device shall be attached to the dog's harness or collar and not directly to the dog's neck. Nothing in this section shall be construed to prohibit a person from walking a dog on a hand-held leash. No dog under the age of six months shall be tethered outside for any length of time, unless under direct supervision of an adult over the age of 18 years old.

(f) No animal shall be tethered during any named Tropical Storm or named Hurricane or whenever flooding could occur.

(1) A person owning or keeping a dog may confine such dog outside, subject to the restrictions in this section, through the use of any of the following methods:

- a. Inside a pen or secure enclosure; or
- b. A fully fenced, electronically fenced or otherwise securely enclosed yard, wherein a dog has the ability to run but is unable to leave the enclosed yard; or
- c. The length of the tether from the cable run to the dog's collar or harness shall allow continuous access to clean water and appropriate shelter at all times.

(2) Exceptions to the above restrictions on outdoor confinement shall be made for dogs actively engaged in conduct directly related to the business of shepherding or herding cattle or other livestock or engaged in conduct that is directly related to the business of cultivating agricultural products, if the restraint is reasonably necessary for the safety of the dog.

([Ord. No. 2015/27, 10-12-2015](#))

Sec. 14-36. - Sale of animals, pets or livestock.

(a) No person shall sell, trade, barter, auction, lease, rent, give away, or display for commercial purpose, any live animal, pet or livestock on any roadside, public right-of-way, public property, commercial parking lot or sidewalk, or at any flea market, fair, or carnival.

(b) No person shall offer an animal, pet or livestock as an inducement to purchase a product, commodity, or service.

(c) No person shall sell, offer for sale, or give away any animal or pet **four (4) weeks of age**, except as surrender to the county animal services facility or to a licensed pet rescue organization.

(d) Licensed pet shops, commercial kennels, county animal services facilities, and licensed pet rescue organizations are exempt from the requirements of this section 14-36.

(e) Any sale of wildlife will be reported to the South Carolina Department of Natural Resources, United States Department of Agriculture, and United States Fish and Wildlife Service.

([Ord. No. 2015/27, 10-12-2015](#))

Sec. 14-37. - Seizure and right of entry to protect abandoned, neglected, or cruelly treated pets or livestock.

(a) Seizure and right of entry. If the owner does not give permission to the animal services officers for right of entry on private property to examine suspected abandoned, neglected or cruelly treated pets or

livestock, the animal services officers shall petition the appropriate magistrate for an animal pickup order or a search warrant for the seizure of the pet or livestock to determine whether the owner, if known, is able to adequately provide for the pet or livestock and is a fit person to own the pet or livestock.

(b) Citation. The animal services officers shall cause to be served upon the owner, if known, and residing within the jurisdiction wherein the pet or livestock is found, a written citation at least five days prior to the hearing containing the time and date and place of the hearing. If the owner is not known or cannot be found within the jurisdiction wherein the pet or livestock was found, the animal services officers shall post a copy of the notice at the property where the animal was seized.

(c) Custody. The pet or livestock shall remain in the custody and care of BCAS until such matter is heard before a magistrate. The magistrate shall make the final determination as to whether the pet or livestock is returned to the owner or whether ownership is transferred to the BCAS whereby the pet or livestock may be put up for adoption or humanely euthanized. If the magistrate orders the return of the pet or livestock to its owner, BCAS shall release the pet or livestock upon receipt from the owner of all redemption fees as described in section 14-39, below.

(d) Nothing in this section shall be construed to prohibit the euthanasia of a critically injured or ill animal for humane purposes.

(Ord. No. 2015/27, 02-01-2018)

Sec. 14-38. - Impoundment.

(a) Any pet or livestock found within the county in violation of the provisions of this chapter may be caught and impounded by BCAS. BCAS may, thereafter, make available for adoption or humanely euthanize impounded pets or livestock not positively identified or redeemed within five working days.

(b) When a person arrested is, at the time of arrest, in charge of an animal, BCAS may take charge of the animal and deposit the animal in a safe place of custody or impound the pet or livestock at its animal care facility.

(c) The owner of a pet or livestock that may be positively identified shall be notified at the owner's last known address by registered mail if attempts by telephone are not successful. The owner has **10 days** from the date of mailing to contact BCAS for pick-up. Redemption costs will include the cost of mailing, any established costs, fines, fees, or other charges. If the owner does not make contact within **10 days** of the date of mailing, the pet or livestock will be deemed abandoned and becomes the property of BCAS. For pets or livestock impounded at BCAS, the director of animal services, or his/her designee in agreement with a licensed veterinarian, shall either place the pet or livestock for adoption or have the pet or livestock humanely euthanized, pursuant to S.C. Code, § 47-3-540 (Supp. 1999).

(d) Notwithstanding the above, pets or livestock impounded at BCAS, which are deemed by the director of animal services, or his/her designee or a licensed veterinarian to constitute a danger to other pets, livestock or persons at the facility, or which are infectious to other pets or livestock, in pain or near death may be humanely euthanized immediately.

(e) Any pet or livestock surrendered to BCAS may be adopted or euthanized at any time provided there is a completed and signed surrender form on file for the pet or livestock concerned.

([Ord. No. 2015/27, 10-12-2015](#))

(f) Only government agencies or organizations that are contracted with a government agency to perform animal control services have the authority to impound animals. All stray animals must be taken or reported to the Beaufort County Animal Shelter and or affiliated organizations as soon as possible for the mandatory holding period.

Sec. 14-39. - Redemption.

(a) The owner or keeper of any pet or livestock that has been impounded under the provisions of this chapter, and which has not been found to be dangerous or vicious, shall have the right to redeem such pet or livestock at any time when proper ownership has been confirmed by BCAS personnel; upon payment of a fee as follows:

(1) For a pet or livestock that has not been properly inoculated, licensed, micro chipped, and spayed or neutered, the BCAS director of animal services or his/her designee, may issue a warning or **Administrative Citation** for the first offense at their discretion after a thorough investigation of the circumstances. Redemption fees shall be published on the BCAS fee schedule and be subject to County Council approval.

(2) In addition to the administrative penalty, for a pet or livestock not properly inoculated, licensed, microchipped and spayed or neutered, an appropriate microchip license fee, the charge for rabies inoculation, and the cost of spaying or neutering the pet or livestock may be charged to the owner.

(3) Pets or livestock will not be released without proof of inoculation and without an implanted microchip. The requirements of spaying or neutering shall not be waived under the exceptions in subsections 14-29(e)(1)—(4) when the pet or livestock (as appropriate) has been impounded a second time for any violations of sections 14-32, 14-33, 14-34, or 14-35.

(b) In addition to the redemption fee, a boarding fee after 24 hours per the published fee schedule per day per pet or livestock shall be paid by the owner or keeper when a pet or livestock is redeemed.

(c) The fees set out in this section shall be doubled for any pet or livestock impounded twice or more within the same 12-month period.

([Ord. No. 2015/27, 10-12-2015](#))

Sec. 14-40. - Adoption. (a) Any pet or livestock impounded under the provisions of this chapter may, at the end of the legal detention period, be adopted provided the new owner will agree to comply with the provisions contained herein.

(b) Any pet or livestock surrendered to BCAS may be adopted at any time provided there is a completed and signed surrender form on file for the pet or livestock concerned.

(c) Those individuals adopting puppies or kittens too young to be neutered or spayed or receive rabies inoculations will pay the cost of these procedures at the time of adoption and be given an appointment for a later time to have these procedures completed. In the event the pet is deceased prior to the appointment date, the applicable portion of the adoption fee will be returned.

(d) The county animal services director or designee shall have the authority to refuse adoption of any animal to any person deemed unable to provide proper shelter, confinement, medical care and food or to any person who has a past history of inhumane treatment of or neglect to pets or livestock. Any person seeking adoption of a pet or livestock more frequently than 90 from the last adoption shall be subject to refusal of adoption. Any person who has been refused adoption of a pet or livestock may appeal his case to the assistant county administrator for public safety. If any person surrenders an owned pet or livestock to the animal services department, they will not be able to adopt a pet or livestock for 90 days from the date of the original surrender.

([Ord. No. 2015/27, 10-12-2015](#))

Sec. 14-41. - Trapping.

(a) It shall be unlawful for any person or business to conduct trapping of any pets, livestock or domestic animals within Beaufort County without prior approval from the animal services department. Any pets, livestock or domestic animals trapped with prior approval from the animal services department will be reported or delivered to the animal services department for purposes of identification of the pet's owner and record keeping of the trapping. It shall be unlawful for any person to remove, destroy, or liberate any trap and/or trapped animal set by the Beaufort County Animal Services Department or enter any animal services vehicle with the intent to rescue or deliver it from the custody of the animal services department. If a trapped animal is in need of immediate attention, the animal services department or 911 will be notified immediately of the animal in distress.

(b) Exemption. Trapping is permitted for hogs.

([Ord. No. 2015/27, 10-12-2015](#))

Sec. 14-42. - Management of feral cat colonies.

(a) Definitions.

Caregiver means any person who provides food, water or shelter to or otherwise cares for a feral cat colony and has made application to the animal services department for management of a feral cat colony.

Caregiver manager means any person in charge of a caregiver program.

Ear tipping means straight-line cutting of the tip of the left ear of a cat while the cat is anesthetized.

Feral cat means a cat which currently exists in a wild or untamed state.

Feral cat colony means a group of cats that congregate. Although not every cat in a colony may be feral, non-feral cats routinely congregate with a colony shall be deemed to be a part of it.

Nuisance means disturbing the peace by:

- (1) Habitually or continually howling, crying or screaming, or
- (2) The habitual and significant destruction of property against the wishes of the owner of the property.

Suitable shelter means shelter that provides protection from rain, sun and other elements and is adequate to protect the health of the cat.

TNR means trap, neuter/spay and release.

TNA program means a program pursuant to which cats are trapped, neutered or spayed, vaccinated against rabies, ear tipped or tattooed and released to a designated location of a managed colony.

(b) Feral cat colony management. Feral cat colonies shall be permitted (no fee) by the Beaufort County Animal Services Department and caregivers shall be responsible for applying for the permit for each colony and be entitled to maintain them in accordance with the terms and conditions of the BCAS policy on feral cat colony management, once the permit is approved by animal services department.

([Ord. No. 2015/27, 10-12-2015](#))

Sec. 14-43. - Livestock.

(a) All livestock shall be properly housed with adequate food, water and confined within a fenced enclosure. The fenced enclosure shall be maintained in such a manner as to keep any average livestock animal from escaping the enclosed compound and causing damage, accidents or injury to any person or property. No person shall tie, stake or fasten any livestock within any street, highway, road, alley, sidewalk, right-of-way, or other public place within the county or in such manner that the animal has access to any portion of any street, highway, road, alley, sidewalk, right-of-way, or other public place.

(b) Owners or possessors of livestock impounded for violation of this article or any state and/or federal laws, will be charged in accordance with actual costs of impoundment plus impounding and boarding fees.

(c) Impounded livestock shall be held for a period of ~~21~~ 10 days. If such impounded animals are not claimed by the owners during that period of time, the animals may be given to persons willing to accept them, in the discretion of the Beaufort County Animal Services Department.

(d) Exception: No other swine or livestock shall be kept within the corporate limits of Port Royal and Bluffton except as is permissible under the municipal zoning regulations. No approval shall be granted or continued if such keeping shall constitute a menace to health or welfare of the public. To the extent that other section within this chapter reference livestock this section shall be controlling.

([Ord. No. 2015/27, 10-12-2015](#))

Sec. 14-44. - Importation of exotic animals prohibited.

(a) Definition. An "exotic animal" shall be defined as one which would ordinarily be confined to a zoo, or one which would ordinarily be found in the wilderness of this or any other country or one which is a species of animal not indigenous to the United States or to North America, or one which otherwise causes a reasonable person to be fearful of significant destruction of property or of bodily harm and the latter includes, but would not be limited to, such animals as monkeys, raccoons, squirrels, ocelots, bobcats, lions, tigers, bears, wolves, hybrid wolves, and other such animals or one which causes zoonotic diseases. Such animals are further defined as being those mammals or those nonvenomous reptiles weighing over 50 pounds at maturity which are known at law as Ferae naturae. Wild or exotic animals specifically do not include animals of a species customarily used in South Carolina as ordinary household pets, animals of a species customarily used in South Carolina as domestic farm animals, fish contained in an aquarium, birds or insects.

(b) Unlawful act. It shall be unlawful for any person, firm, or corporation to import into Beaufort County, any venomous reptile or any other exotic animal.

(c) Exceptions. This division shall not apply to following entities:

- (1) An entity licensed as a Class R Research Facility by the United States of America or any agency thereof pursuant to the Animal Welfare Act (7 U.S.C. 2131 et seq.).
- (2) An entity properly accredited by the Association of Zoos and Aquariums or the Zoological Association of America.
- (3) An entity licensed as a Class C Facility by the United States of America or any agency thereof pursuant to the Animal Welfare Act (7 U.S.C. 2131 et seq.) for exhibition not to exceed seven days within a 52-week period.
- (4) A team mascot for a university or educational facility.

([Ord. No. 2015/27, 10-12-2015](#))

Sec. 14-45. - Rabies Control Act (S.C. State Law 47-5-10).

This law is strictly enforced by South Carolina Department of Health and Environmental Control (DHEC) in cooperation with Beaufort County Animal Services Department and any state, county or municipal law enforcement agencies.

([Ord. No. 2015/27, 10-12-2015](#))

(A) Vaccinations: It shall be unlawful for any owner of a dog or cat four (4) months of age or older to fail to have such animal vaccinated against rabies, unless recommended otherwise by veterinarian for medical reasons. All dogs and cats shall be vaccinated at four (4) months of age (unless recommended otherwise by veterinarian) and revaccinated thereafter at the expiration of the validity of the vaccine used, as shown on the written document prepared by a licensed veterinarian. The vaccination shall be valid for the period shown on the document. Any person moving into the County from a location outside the County shall comply with this Section within 30 days after having moved into the County by having the animal vaccinated or showing proof of current, valid vaccination. If the dog or cat has inflicted a bite on any person or another animal within the last ten days, the owner of said animal shall report such fact to a veterinarian, and no rabies vaccine shall be administered until after the required observation or quarantine period.

(B) Proof of Vaccination: It shall be unlawful for any person who owns a vaccinated animal to fail or refuse to exhibit his copy of the certificate of vaccination upon demand to any person charged with the enforcement of this Chapter. A current rabies tag, if provided by the veterinarian administering the vaccine, shall be attached to a collar, harness or other device and shall be worn by the vaccinated dog or cat at all times. The requirement for a dog to display a current rabies tag shall not apply to a dog that is displaying a current dog license tag affixed to a collar, harness or other device worn on the dog

(C) Harboring Unvaccinated Dogs and Cats: It shall be unlawful for any person to harbor any dog or cat that has not been vaccinated against rabies, as provided herein, or that cannot be identified as having a current vaccination certificate.

(D) Non-transferability: Vaccination certificates and tags are not transferable and cannot be used for any animal other than the animal that received the vaccination and for which the certificate was originally issued.

(E) Exceptions: No person charged with violating 14-45 Rabies Control shall be convicted if he produces in Court a bona fide and valid certificate of vaccination that was in full force and effect at the time of the alleged violation.

Sec. 14-46. - Interference with animal services officers.

It shall be unlawful for any person to interfere with, hinder, or molest an animal services officers in the performance of his or her duties or seek to release any pet or livestock in his/her custody without his/her consent.

([Ord. No. 2015/27, 10-12-2015](#))

Sec. 14-47. - Enforcement and penalties.

(a) The animal services officers of the Beaufort County Animal Services Department shall be charged with the responsibility of enforcing all ordinances enacted by the county and contracts entered into with the county for the care, control and custody of pets or livestock covered by this article. All violations of this article shall be heard by the Beaufort County Magistrate Court.

(b) The provisions of this article shall not apply to any dog or cat owned within the confines of any incorporated municipality within the county, unless and until the governing body of a municipality requests in writing that county council include the area of such municipality within the coverage of this article, and county council has acted favorably on such request and has so notified such municipality of its approval of such request.

(c) Any person who violates the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to a fine not exceeding the maximum allowed within the jurisdiction of the magistrate courts or imprisonment not exceeding 30 days, or both.

(d) When any person is found guilty of a violation of the provisions of this chapter, or has been found in non-compliance of a Final Dangerous Dog Determination of the Court, a Magistrate may order possession and custody of the animal to be surrendered permanently to the Beaufort County Animal Shelter.

–(f) Administrative citations and penalties.

In addition to the remedies and penalties contained in this chapter, and in accordance with S.C. Code Section 47-3-20, an administrative citation may be issued for certain violations of county animal control ordinances. Violations of this Chapter subject to administrative citation and penalty are in the discretion of the Animal Services Officer and include but are not limited to: Mandatory dog licenses/registration, mandatory rabies vaccination, permitting a dog to run at large, mandatory spay/neuter, and warnings for a noisy public nuisance animal.

The following procedures shall govern the imposition, enforcement, collection and administrative review of administrative citations and penalties.

A. Notice of violation. If an animal is owned, kept, maintained, or found to be in violation of a county animal control ordinance, an administrative citation may be issued by the animal services officer.

B. Content of citation. The administrative citation shall be issued on a form approved by the Director of Beaufort County Animal Services and shall contain the following information:

1. Date, location and approximate time of the violation;
2. The ordinance violated and a brief description of the violation;
3. The amount of the administrative penalty imposed for the violation;
4. Instructions for payment of the penalty, and the time period by which it shall be paid and the consequences of failure to pay the penalty within the required time period;

5. Instructions on how to appeal the citation;
6. The signature of the animal control officer.

The failure of the citation to set forth all required contents shall not affect the validity of the proceedings.

C. Service of citation.

1. If the person who has violated the county animal control ordinance is present at the scene of the violation, the animal control officer shall attempt to obtain his signature on the administrative citation and shall deliver a copy of the administrative citation to him/her.
2. If the owner, occupant or other person who has violated a county animal control ordinance is a business, and the business owner is on the premises, the animal control officer shall attempt to deliver the administrative citation to him/her. If the animal control officer is unable to serve the business owner on the premises, the administrative citation may be left with the manager or employee of the business. If left with the manager or employee of the business, a copy of the administrative citation shall also be mailed to the business owner by certified mail, return receipt requested.
3. If no one can be located at the property where the violation occurred, then the administrative citation shall be posted in a conspicuous place on or near the property and a copy mailed by certified mail, return receipt requested to the owner, occupant or other person who has violated the ordinance. The citation shall be mailed to the property address and/or the address listed for the owner on the last county equalized assessment roll. The citation shall also be mailed to any additional addresses for the owner in department records.

D. Administrative penalties.

1. The penalties assessed for each violation of a county animal control ordinance shall not exceed the following amounts:
 - i. One hundred dollars (\$100.00) for a first violation;
 - ii. Two hundred dollars (\$200.00) for a second violation of the same administrative abatement order within one year;
 - iii. Five hundred dollars (\$500.00) for each additional violation of the administrative abatement order within one year.
2. If the violation is not corrected, additional administrative citations may be issued for the same violation. The amount of penalty shall increase at the rate specified above.
3. Payment of the penalty shall not excuse the failure to correct the violation nor shall it bar further enforcement action.
4. The penalties assessed shall be payable to the Beaufort County Animal Services.
5. Where the violation would otherwise be an infraction, the administrative penalty shall not exceed the maximum fine or infraction amount.

E. Administrative appeal of administrative citation.

1. Notice of appeal. The recipient of an administrative citation may appeal the citation by filing a written notice of appeal with the department. The written notice of appeal must be filed within twenty (20) days of the service of the administrative citation set forth in subsection C. above. Failure to file a written notice of appeal within this time period shall constitute a waiver of the right to appeal the administrative citation. The notice of appeal shall be submitted on county forms and shall contain the following information:

- i. A brief statement setting forth the appellant's interest in the proceedings;
- ii. A brief statement of the material facts which the appellant claims supports his contention that no administrative penalty should be imposed or that an administrative penalty of a different amount is warranted;
- iii. An address at which the appellant agrees notice of any additional proceeding or an order relating to the administrative penalty may be received by mail;
- iv. The notice of appeal must be signed by the appellant;
- v. A check or money order is required, as a deposit, for the total penalty amount shown on the front side of the citation, before the Administrative Appeal will be scheduled;
- vi. Indigence must be proved to have the deposit waved.

2. Administrative hearing of appeal. Upon a timely written request by the recipient of an administrative citation, an administrative hearing shall be held as follows:

- i. Notice of hearing. Notice of the administrative hearing regarding the administrative citation shall be given at least ten (10) days before the hearing to the person requesting the hearing.
- ii. The administrative hearing regarding the administrative citation shall be held before the Animal Services Director, or a designee. The hearing officer shall not be the investigating animal control officer who issued the administrative citation or his immediate supervisor. The Director may contract with a qualified provider to conduct the administrative hearings or to process administrative citations.
- iii. Conduct of the hearing. The investigating animal control officer who issued the administrative citation shall not be required to participate in the administrative hearing regarding the citation. The contents of the investigating animal control officer's file shall be admitted as prima facie evidence of the facts stated therein. The hearing officer shall not be limited by the technical rules of evidence. If the person requesting the appeal of the administrative citation fails to appear at the administrative hearing, the hearing officer shall make a determination based on the information contained in the notice of appeal.
- iv. Hearing officer's decision. The hearing officer's decision regarding the administrative citation following the administrative hearing may be personally delivered to the person requesting the hearing or sent by mail. The hearing officer may allow payment of the administrative penalty in installments, if the person provides evidence satisfactory to the hearing officer of an inability to pay the penalty in full at one time. The hearing officer's decision shall contain instruction for obtaining review of the decision by the superior court.

F. Appeal to Circuit Court. Any person who receives an unfavorable decision from the decision of an Administrative Appeal may file an appeal with the Circuit Court in Beaufort County. The appeal to Circuit Court must be filed within thirty (30) days of the notice of the Administrative Officer's decision being mailed to the recipient of an Administrative citation.



COUNTY COUNCIL OF BEAUFORT COUNTY

Public Safety Division

To: Chairman Dawson, Governmental Committee
From: Philip Foot, CJM. Public Safety Division Director
Subject: The Proposed Changes to Chapter 90: Parks and Recreation
Date: 8/17/2018

Executive Summary:

The Parks and Leisure Services Department (PALS) is submitting this proposal seeking Council's approval of the changes made to Chapter 90: PARKS AND RECREATION. The revised ordinances reflect the current operations of the services and operations provided by PALS.

The key changes are as follows:

1. ARTICLE II:
 - a. Name Change: Parks and Leisure Services will like to change its name to the Department of Parks and Recreation. This name change will also apply to the overseeing board; the Parks and Leisure Board would be changed to the Parks and Recreation Board. Parks and Recreation better reflects the services provided by the department, as its focus is to provide a myriad of recreational programming to the residents of Beaufort County.
 - b. Parks and Recreation Board: The revision now includes the rights of the Director to appoint a staff member to serve as secretary for the Board. It also omits the Board's duties to secure donations for PALS facilities and programs.
2. ARTICLE III, Sec. 90-63:
 - a. Prohibitions: Changes have been made to better reflect the current operations at all public beaches. The following have been added: updated fireworks policy; and the ban of open fires, overnight camping, alcohol consumption, solicitations, and possession of firearms.
3. Article IV:
 - a. This article has been changed from Alcohol to Facilities; Alcohol is now a section under this article. The ordinance now explicitly states alcohol is prohibited in all facilities unless approved through a special permit by the County Administrator.
 - b. Use of Facilities was added under this articles; it provides a guideline of when facilities can be used by the public, rental procedures, and a list of prohibited activities.
 - c. The process of the determination and management of fees and programming is also provided under this Article.
 - d. The guideline of facility and land memorialization was added.
 - e. It provides a guideline for the screening of all Parks and Recreation volunteers, as well as the Director's right to revoke someone's volunteering status.

Chapter 90 - PARKS AND RECREATION^[1]

Footnotes:

--- (1) ---

Cross reference— Environment, ch. 38; parks and recreation facilities impact fees, § 82-51 et seq.; waterways, ch. 102; use regulations for recreational institutional, § 106-1254.

ARTICLE I. - IN GENERAL

Sec. 90-1. - Camping on public boat landings and roadside parks.

- (a) *Prohibited.* The public boat landings and roadside parks in the county shall not be used for camping, parking camper trailers, or the erection of tents, except at those landings and roadside parks where camping or parking is specifically authorized and signs to that effect are posted.
- (b) *Penalties.* Any person violating this section shall be guilty of a misdemeanor and, upon conviction thereof, shall pay such penalties as the court may decide, not to exceed \$200.00 or not to exceed 30 days' imprisonment for each violation. Each day during which such conduct shall continue shall constitute a separate violation, which shall subject the offender to liability prescribed in this section.

(Code 1982, §§ 13-17, 13-18)

Secs. 90-2—90-30. - Reserved.

ARTICLE II. - PARKS AND ~~RECREATION~~LEISURE SERVICES BOARD^[2]

Footnotes:

--- (2) ---

Cross reference— Boards and commissions, § 2-191 et seq.

Sec. 90-31. - Purpose.

The purpose of the parks and ~~leisure services~~recreation board shall be to serve as the official advocate for recreational and ~~program~~leisure services county-wide including active sports, cultural activities, and parks and facilities development.

(Code 1982, § 11-21; Amend. of 10-28-2002, § I)

Sec. 90-32. - Membership; compensation.

- (a) *Membership.* [Membership on the parks and ~~recreation~~leisure services board shall be as follows:]
 - (1) Three members shall be appointed from northern Beaufort County; and
 - (2) Three members shall be appointed from southern Beaufort County; and
 - (3) One member shall serve at large. This member shall rotate between northern and southern Beaufort County when a vacancy occurs; and

- (4) One member shall be appointed from the military, who shall serve ex officio; and
- (5) One member shall be appointed from the Beaufort County School District Administration, who shall serve ex officio.
- (b) *Term.* The term of office shall be in accordance with the county template ordinance [subsection 2-193(b) of this Code].
- (c) *Compensation.* No member of the board shall receive any financial compensation for services as a member of the board.
- (d) A staff member appointed by the director of the parks and recreation staff shall serve as secretary of the board, record minutes, and in a timely manner submit them to council.

(Code 1982, § 11-22; Amend. of 10-28-2002, §§ II, III, V)

Sec. 90-33. - Duties and responsibilities.

The ~~powers and~~ duties and responsibilities of the parks and ~~recreation~~leisure services board shall be to:

- (a) Identify and recommend ~~potential~~potential sites, facilities, and programs deemed appropriate to meet the ~~leisure and~~ recreational program needs of county residents;
- (b) Participate in the selection of appropriate candidates, in accordance with state laws and at the administrator's discretion, for the position of director when the position becomes vacant;
- (c) Provide input on the acquisition of properties, facilities, and selective equipment useful in the operation of the department;
- ~~(d) Work cooperatively with county officials to secure donations of funds, services, real estate, or interest thereon, to establish or improve general recreational facilities and programs;~~
- ~~(de)~~ Provide oversight for~~input on~~ rates and fees charged for use of facilities, programs, and services;
- ~~(ef)~~ Work in concert with staff to establish guidelines governing the use of sites and facilities to ensure effective operation, maintenance, and security of same; and
- ~~(fg)~~ Provide input to the process and review of the parks and ~~recreation~~leisure services budget, as prepared by the director for submission to the county administrator; and-
- (g)- Review and provide input regarding major structural changes or renaming of county recreational facilities, to include memorialization of athletic fields and recreational buildings. In accordance with Beaufort County Policy Statement PS-10.

(Code 1982, § 11-23; Amend. of 10-28-2002, § IV)

Secs. 90-34—90-60. - Reserved.

ARTICLE III. - PUBLIC BEACHES^[3]

Footnotes:

--- (3) ---

Cross reference— Natural resource protection standards for beach-dune, § 106-1844.

Sec. 90-61. - Purpose.

The county council recognizes that public beaches are for the use and enjoyment of the people, and that it is in the public's interest that laws be promulgated to protect the safety and cleanliness of the public beaches.

(Code 1982, § 11-8)

Sec. 90-62. - 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:

Designated area means a lineal section of beach frontage that may be designated from time to time by the county council for a special use (swimming, surfing, beaching of boats, etc.).

Public beach means that area lying between the low water mark of the Atlantic Ocean and the easternmost property line of the property owned by private individuals or corporations lying closest in proximity to the Atlantic Ocean. However, where there is a street leading toward the Atlantic Ocean, the public beach at these points means the area lying between the easternmost edge of the public street and the Atlantic Ocean.

(Code 1982, § 11-9)

Cross reference— Definitions generally, § 1-2.

Sec. 90-63. - Prohibitions.

The following shall be prohibited on public beaches:

- (1) *Vehicles*. Driving or operating any motor vehicle of any kind or ~~trailers~~^{nature} upon the public beach within the county shall be unlawful, provided that county vehicles operated while cleaning or working on the beach and county sheriff and emergency vehicles shall be exempt from the application of this subsection.
- (2) *Horses on beach*. Riding or driving horses on the beach shall be unlawful from March 15 to October 15.
- (3) *Sleeping on beach after midnight*. Sleeping by persons on designated areas of public beaches between the hours of 12:00 midnight and sunrise shall be unlawful.
- (4) *Manner of use of surfboards*. Using a surfboard in such a manner as to become a hazard to bathers, swimmers, surfers and other persons in the waters along the public beach by any person or failing, neglecting or refusing to keep his surfboard under reasonable control at all times shall be unlawful.
- (5) *Surfing near swimming areas*. Surfing will not be permitted within 300 feet of designated swimming areas at any time. ~~A marker will be placed showing a distance of 300 feet on both sides of permitted areas.~~
- (6) *Deposit of refuse on beach or in water*. Throwing, depositing or causing or permitting to be thrown or deposited any glass, bottle, glassware, can, or pieces thereof or any garbage, waste or refuse of any kind on the public beach or in the waters and lands adjacent to the public beach shall be unlawful.

- (7) *Shark fishing near designated swimming area.* Baiting or fishing by persons for sharks from the public beach to an area within one-half mile at a designated swimming area from March 15 to October 15 shall be unlawful.
- (8) *Shark fishing creating unsafe conditions.* Baiting or fishing for sharks at any time by persons from the public beach in such a manner that will create an unsafe condition or hazard to bathers, swimmers, surfers, fishermen and others in the water along the public beach shall be unlawful.
- (9) *Fireworks discharge.* Discharging of fireworks on public beaches shall be prohibited except by permit from the county administrator for planned fireworks displays. ~~Such permits must be obtained 24 hours in advance of the planned fireworks display.~~ Such permits must be obtained 10 business days prior to the event of the planned fireworks display and must be advertised to the public. This must be in accordance of ordinance 74-68.
- (10) *Operation of boats and skis or surfboards.* No person shall operate any motorboat or vessel or manipulate any ski, surfboard or similar device in a reckless or negligent manner so as to endanger the life, limb or property of any person. Operating or piloting a boat inside the area 50 yards from the high tide mark of the Atlantic Ocean along the public beach in any manner as to create a hazard to bathers shall be unlawful.
- (11) *Sand sailing in swimming areas.* Sand sailing shall not be permitted in areas designated as swimming areas. Sand sailing shall be prohibited for a period of two hours before and two hours after high tide and when there is less than 100 feet of hard surface beach to safely operate a sand sailer without endangering others.
- (12) *Operating boats, sand sailers, surfboards and similar devices under the influence.* Operating any motorboat or vessel or sand sailer or manipulating any water skis, surfboards or similar devices when under the influence of alcohol or any narcotic drug, barbiturate or marijuana shall be unlawful.
- (13) *Litter.* Littering the public beaches with cans, bottles, paper, or other materials shall be unlawful.
- (14) *Nudity.* Appearing in the nude on any public beach by any person shall be unlawful.
- (15) *Dressing or undressing.* Dressing or undressing by any person on the beach, except in taking off or putting on coverup clothing and shoes, shall be unlawful.
- (16) *Glass containers.* Taking any glass bottle, drinking glass or other glass container on any public beach shall be unlawful.
- (17) *Animals.* The county animal control ordinance in chapter 14 of this Code shall apply at all times on the public beaches.

(18) Fires. Burning of open fires shall be unlawful.

(19) Overnight camping shall be unlawful.

(20) The consumption or possession of alcohol shall be unlawful. Exception, federal, state, or county sanctioned wildlife rescue agencies in the performance of their official duties rescuing and/or aiding wildlife.

(21) Solicitation of services or other commercial activity on Public Beaches shall be unlawful.

(22) The possession of firearms or other weapons is prohibited.

(23) Parking shall be limited to designated areas. Any vehicle not parked within designated space may be subject to being towed at the owner's expense. Vehicles parked on private property

without the owner's permission are subject to being towed per Chapter 70, Article II, Section 70-36 et seq.

(Code 1982, § 11-10)

Sec. 90-64. - Enforcement.

- (a) *Authority of beach patrol officers and law enforcement police officers.* Those persons who shall be duly appointed as deputies or constables or who are county law enforcement police officers shall have the power and authority to supervise and regulate surf fishing, physical activities, and swimming on the beaches, strand, and the Atlantic Ocean within the jurisdiction of the county and in those areas such persons shall have the responsibility to maintain peace and order.
- (b) *Power to recall swimmers.* The deputies, constables or county law enforcement police officers shall have the power and authority to recall from the ocean waters and the surf adjoining the waters any person who shall be in the ocean waters a distance of more than 50 yards from the point where the ocean adjoins the strand or who shall be more than shoulder deep at any time or when the person shall be in danger of drowning or becoming imperiled or may imperil the safety of others, all of which shall be determined in the discretion of the deputies and constables, law enforcement police officers or guards authorized by them.
- (c) *Power to recall swimmers in adverse weather or because of swimmer's condition.* Deputies and constables, law enforcement police officers or guards authorized by them shall have authority to recall from the ocean waters and the surf adjoining the water any person who shall be in the ocean waters at any distance at any time when the condition of the wind, water, weather or any hazard, including the physical or mental condition of the person in the ocean waters, shall be such, in the discretion of those personnel as described in this subsection, as to constitute a danger to the health, life or safety of that person or other persons within the ocean waters.

(Code 1982, § 11-11)

Sec. 90-65. - Penalties.

Any person violating any section of this article shall be guilty of a misdemeanor and upon conviction thereof shall pay such penalties as the court may decide, not to exceed \$200.00 or not to exceed 30 days' imprisonment for each violation. Each day during which such conduct shall continue shall constitute a separate violation which shall subject the offender to liability prescribed in this section.

(Code 1982, § 11-12)

Sec. 90-66. - Alljoy Beach location and access~~definition, rules and regulations~~.

- (1) *Alljoy Beach.* For the purposes of this section "Alljoy Beach" shall be defined as that area of land lying between the South Carolina Department of Transportation Right-of-Way for Alljoy Road and the waters of the May River. This property is further described as "Brighton Beach" in that certain deed from Thomas O. Lawton and C.E. Ulmer recorded in Book 54, Page 277 of the Beaufort County Register of Deeds Office and as shown on that certain plat recorded in Plat Book 3, Page 10.
- (2) *Alljoy Beach hours of access.* Beach access shall be permitted from 6:00 a.m. through 9:00 p.m. No other access shall be permitted except during these times without the express written permission of Beaufort County.

~~(3) Prohibitions. The following shall be prohibited within Alljoy Beach:~~

- ~~(a) Vehicles. Driving or operating a self-propelled motor vehicle of any kind or nature upon Alljoy Beach shall be unlawful, provided that county vehicles operated while cleaning or working on the beach and county sheriff and emergency vehicles shall be exempt from the application of this subsection.~~
- ~~(b) Parking. Parking shall be limited to designated areas. Any vehicle not parked within a designated space may be subject to being towed at the owner's expense. There shall be no parking within Alljoy Beach outside of the 6:00 a.m. to 9:00 p.m. operating hours. Vehicles parked on private property without the owner's permission are subject to being towed per chapter 70, article II, section 70-26 et seq.~~
- ~~(c) Fires. Burning of open fires shall be unlawful.~~
- ~~(d) Fireworks. Discharging of fireworks on Alljoy Beach shall be prohibited except by permit from the Beaufort County Sheriff's Office for planned fireworks displays. Such permits must be obtained 24 hours in advance of the planned fireworks display.~~
- ~~(e) Overnight camping. Camping by persons on Alljoy Beach area shall be unlawful.~~
- ~~(f) Littering. Littering the Alljoy Beach with cans, bottles, paper, or other materials, trash, or debris shall be unlawful.~~
- ~~(g) Animals. All animals must be on a leash at all times. Pet owners are responsible for the collection and proper disposal of animal waste in receptacles provided.~~
- ~~(h) Alcohol. The consumption or possession of alcohol on Alljoy Beach shall be unlawful.~~
- ~~(i) Illegal substances. The consumption, possession or use of illegal substances on Alljoy Beach shall be unlawful.~~
- ~~(j) Soliciting. Solicitation of services or other commercial activity on Alljoy Beach shall be unlawful.~~
- ~~(k) Fishing. Baiting or fishing at any time by persons from the Alljoy Beach shall be unlawful.~~
- ~~(l) Trailers. The use of trailers of any kind or nature upon Alljoy Beach shall be unlawful.~~
- ~~(m) Firearms. The possession of firearms or other weapons on Alljoy Beach is prohibited. All individuals properly permitted to carry firearms or otherwise in possession of a firearm must secure such weapon in a locked vehicle.~~

([Ord. No. 2015/17, 6-8-2015](#))

Secs. 90-67—90-90. - Reserved.

ARTICLE IV. - ~~USE OF ALCOHOLIC BEVERAGES ON COUNTY~~ RECREATION FACILITIES^[4]

Footnotes:

--- (4) ---

Cross reference— Signs, § 106-3141 et seq.

Sec. 90-91. - Purpose.

County recreation facilities are funded by the county for the purpose of carrying on leisure, recreation, programs, and sporting events. It is the policy of the county to regulate such facilities in a

manner that will provide for greatest public use, enjoyment, and safety and to avoid interference and disorderliness of spectators and participants.

(Code 1982, § 11-1)

Sec. 90-92. - 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:

Alcoholic beverage means any liquor, beer, wine or intoxicating beverage.

County recreation facility means any ballpark, building, field or land owned, maintained or subsidized by the county for the purpose of carrying on recreation programs and leisure, sporting, ~~or recreation~~ activities.

Recreation event means any ~~leisure, sporting, or recreation game~~, program, sporting, game or activity under the supervision of the county recreation director or his staff.

(Code 1982, § 11-2)

Cross reference— Definitions generally, § 1-2.

Sec. 90-93. - Enforcement.

The county sheriff shall be responsible for enforcing this article.

(Code 1982, § 11-6)

Sec. 90-94. - Penalties.

Any person violating any section of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall pay such penalties as the court may decide, not to exceed \$200.00 or not to exceed 30 days' imprisonment for each violation. Each day during which such conduct shall continue shall constitute a separate violation which shall subject the offender to liability prescribed in this section.

(Code 1982, § 11-7)

Sec. 90-95. - Alcohol~~Prohibitions~~.

~~The consumption and possession of alcoholic beverages shall be prohibited on any county recreation facility two hours before and during the time in which a recreation event is taking place.~~

(a) The consumption and possession of alcoholic beverages shall be prohibited on any county recreation facility, unless otherwise approved through special permit signed by the county administrator or his/her designee.

(b) Such permits shall not be approved if requested use of alcohol will occur on a facility within two hours prior to a county-sponsored sporting event, community activity, or special event and during the time such activities are taking place.

(c) In such cases where a special permit for alcohol consumption is approved, any person, family, group, or team consuming or possessing alcoholic beverages shall be responsible for any litter or destruction incurred during the use of recreation facility.

(Code 1982, § 11-3)

Sec. 90-96. - ~~Posting of signs.~~ Use of Recreation Facility

~~Signs with the words "no alcoholic beverages allowed on county recreation property" shall be conspicuously posted at the entrance to each recreation facility in the county.~~

- (a) All recreation facilities shall have signs posted which specify hours the facility is open and available to the public. If for some reason a sign is not posted the hours of operation will be sun up to sunset unless an organized activity is approved with recreation department.
- (b) No outdoor facility which is not lighted shall be open to the public in hours of darkness unless approved in advance for special purposes. Use, occupation, or loitering on such properties during hours of darkness shall be considered trespassing.
- (c) County sponsored recreation activities will take precedence over requests for facility use and/or athletic field rentals.
- (d) Approved rental, or other use permitted by the county of any given recreation facility or athletic field will take precedence over general public use. All facilities shall be rented in the event an activity of 10 or more participants is taking place.
- (e) With the exception of county vehicles in the performance of official duties and county approved contractor vehicles in the performance of service, driving on athletic fields is strictly prohibited. Violators shall be charged with unlawful trespassing and will further be held legally and financially liable for any damage incurred as a result of trespassing with a vehicle.
- (f) No activity may take place that will cause injury to persons or property, to provoke disorderly conduct or create a disturbance. The concentration of persons at the activity will not unduly interfere with the proper utilization of the park, park facility, recreation facility, and/or playground or any portions thereof.
- (g) All fees and deposits are due 14 days prior to the event unless otherwise approved by the director.
- (h) Prohibited activities shall be as follows: destruction of property, solicitation, fireworks, weapons, litter, golfing, remote control devices, hot air balloons, treasure hunting, pets, camping, professional video equipment (does not include personal cell phones or video cameras), unlawful activities, commercial activities, or camping. Any exception must be made in writing and approved by the Director.
- (i) No animals are allowed in the parks. Dogs are only allowed in the designated dog park areas.

(Code 1982, § 11-4)

~~Sec. 90-97. - Permitted use.~~

~~The following designates when alcoholic beverages are permitted at county recreation facilities:~~

- ~~(1) *No scheduled event; compliance.* Alcoholic beverages shall be permitted on recreation facilities providing no recreation event is scheduled and their use is in compliance with section 90-95 of this article.~~

- ~~(2) *Social event not conflicting.* Alcoholic beverages shall be allowed on recreation facilities for family outings, social events, and fundraising events, provided that its use is not in conflict with any county recreation event.~~
- ~~(3) *Litter and destruction.* Any person, family, group or team consuming or possessing alcoholic beverages shall be responsible for any litter or destruction incurred during the use of a recreation facility.~~

Sec. 90-97. – Fees

- (a) The Beaufort County Parks and Recreation Advisory Board is vested with the authority to set and modify the fee schedule for services provided by the Department of Parks and Recreation to fulfill the mission of providing quality programs and facilities to Beaufort County residents. The Board is also empowered by County Council, either directly or through its designee, with authority to suspend or waive late registration fees for any and all programs should such action be deemed to be in the best interest of the Parks and Recreation Program.
- (b) Subject to final approval from the County Administrator, the Director of the Departments of Parks and Recreation is vested with the authority to establish programming for the community through individual contract with service providers. The Department of Parks and Recreation shall manage registration for such activities and collect all fees associated with it. Such agreements shall generally be constructed in a manner where 30 percent of all the fee collected are retained by the county, with the remaining 70 percent being distributed to the service provider. Any tournament partnerships that are approved by the Director shall be 40 percent of the fees collected and retained by the county, with 60 percent being distributed to the host. All service providers and hosts must provide proper evidence of qualifications and/or applicable certifications, proof of insurance and a proper business license.

(Code 1982, § 11-5)

~~Secs. 90-98, 90-99. – Reserved.~~

Sec. 90-98. – Memorialization or renaming of facilities and athletic fields

When a park, building, or other similar recreation facility owned by the county is to be named to honor an individual or an organization the following procedure shall be used.

- (a) Recommendation for renaming a facility or field may be made by anyone to the Parks and Recreation Advisory Board in a regularly scheduled public meeting of the Board. An individual making the recommendation must contact the Department of Parks and Recreation to arrange for placement on the agenda for the next regularly scheduled meeting of the Board.
- (b) The Board will consider the recommendation for memorialization or renaming and, by formal vote in a subsequent meeting, will make a recommendation to County Council regarding the memorialization or renaming.

(c) The recommendation of the Board will be communicated to County Council by the Director of the Department of Parks and Recreation in a public meeting of Council's choosing.

(d) The final decision for memorializing or renaming a county owned recreation facility or athletic field rests with County Council. In accordance with Beaufort County Policy Statement PS 10.

Sec. 90-99 – Volunteers.

The Department of Parks and Recreation should take advantage of the wealth of experience in the manpower available from the diverse community in Beaufort County in the delivery of recreational services and activities.

(a) All volunteers must submit an application for consideration by the Director of the Parks and Recreation Department or his/her designee, and must also be subjected to a background screening. Background screening shall be managed by Employee Services, with results being reported to the Parks and Recreation Department. Recommendation for suitability will be made by Employee Services Director or his/her designee to the Department of Parks and Recreation. The Director of Parks and Recreation shall approve or reject volunteer applications and will assume liability for such actions.

(b) Volunteer applications will be informed of their approval or disapproval by the Parks and Recreation Director or his/her designee.

(c) Approved volunteer applications shall be valid for two years, unless otherwise revoked.

(d) Volunteer status may be revoked by the Director of Parks and Recreation at any time, with or without cause. Such revocation will be in writing to the volunteer.

ARTICLE V. - MULTI-USE RECREATION TRAILS

Sec. 90-100. - Purpose.

The Beaufort County Council recognizes that the multi-use recreational trails in Beaufort County, South Carolina are for the use and enjoyment of its citizens and that it is in the public's interest that laws be promulgated to protect the safety and welfare of its patrons while using these trails.

(Ord. No. 2014/27, 9-22-2014)

Sec. 90-101. - Definitions.

Multi-use trail means any trail or path designated by county council to be used for pleasure or as an alternative mode of transportation for use by walking, jogging, inline skating, rollerblading, skate boarding, bicycling, and other non-motorized recreation.

Motorized vehicle means any motorized conveyance including, but not limited to: cars, trucks, motorcycles, tractors, farm machinery, four-by-four's, golf carts, motorized scooters, minibikes, dune

buggies or ATV's. This shall not include motorized wheelchairs or other devices, which are necessary to facilitate movement due to a disability.

([Ord. No. 2014/27, 9-22-2014](#))

Sec. 90-102. - Prohibitions.

- (1) *Vehicles.* No person shall operate a motorized vehicle of any kind or nature over, through, across or upon the multi-use trail, provided that county vehicles operated while cleaning or working on the trail and law enforcement and emergency vehicles shall be exempt from the application of this section.
- (2) *Hours of use.* No person shall be allowed access to or use a multi-use recreational trail from one hour after sunset to one hour before sunrise unless specially authorized by the Beaufort County Council.
- (3) *Alcoholic beverages.* The consumption and possession of alcoholic beverages shall be prohibited on any multi-use recreational trail.
- (4) *Litter.* Throwing, depositing or causing or permitting to be thrown or deposited any glass, bottle, glassware, can or pieces thereof or any garbage, waste or refuse of any kind on the multi-use trail or the lands adjacent thereto shall be unlawful. All trash or litter shall be placed in designated trash receptacles.
- (5) *Animals.* No person shall fail to exercise proper care and control of his animal while using the multi-use trail. All animals must be on a leash and properly restrained. All animal refuse shall be placed in designated trash receptacles.

([Ord. No. 2014/27, 9-22-2014](#))

Sec. 90-103. - Penalties.

Any person violating any provision of this article shall be guilty of a misdemeanor and, upon conviction thereof shall pay such penalties as the court may decide, not to exceed \$500.00 or 30 days imprisonment for each violation.

([Ord. No. 2014/27, 9-22-2014](#))

DAUFUSKIE ISLAND COUNCIL

The Elected Voice of Daufuskie Island

Deborah Smith, Chairperson

James Bays

Sallie Ann Robinson, Vice Chairperson

Leanne Coulter

John Schartner, Treasurer

Christine Sutcliffe

Erin Quinn, Secretary

A Resolution

Whereas Daufuskie Island includes beaches that serve as nesting areas for the endangered Loggerhead Turtles as well as other sea turtles; and

Whereas, fires on a beach jeopardize those nests, and especially because turtle hatchlings can become disoriented and crawl towards the fire; and

Whereas, both the U.S. Fish and Wildlife Services recommends that no fires be allowed on beaches during turtle nesting season; and

Whereas, recently there have been a number of fires set on Daufuskie beaches that have seriously threatened turtle nesting areas, causing grave concern by the Daufuskie Island Turtle Team and other island residents, and

Whereas, several communities within Beaufort County have restricted fires on their beaches; therefore be it

RESOLVED, that the Daufuskie Island Council requests that the Beaufort County Council adopt an ordinance banning fires on Daufuskie beaches between May 1st and October 31st; and be it further

RESOLVED, that the Daufuskie Island Council respectfully requests that the Beaufort County Council work with our Council on the specific wording of this ordinance so that it fulfills the intent of protecting Daufuskie's turtle nesting areas while avoiding any unintended consequences.

Approved this day of August 21, 2018 by unanimous vote.



COUNTY COUNCIL OF BEAUFORT COUNTY

PURCHASING DEPARTMENT

106 Industrial Village Road, Bldg. 2, Post Office Drawer 1228
Beaufort, South Carolina 29901-1228

David L Thomas, Purchasing Director

dthomas@bcgov.net 843.255.2353

TO: Councilman Gerald Dawson, Chairman, Governmental Committee ▼

FROM: David L Thomas. CPPO. Purchasing Director

SUBJ: State Contract Purchase ▼

Emergency Medical Services (EMS) Purchase for Two Ambulances

DATE: 08/29/2018 

BACKGROUND:

The Purchasing Department received a request from Beaufort County's EMS Department to purchase two new 2018 Ford F450 4x2 Ambulances.

The HGAC Buy Contract will provide two new 2018 Ford F450, 4x2, Diesel, Type I Ambulance (see the attached pricing sheet with accessories).

VENDOR INFORMATION:

AEV Northwestern Emergency Vehicles, Jefferson, NC

COST:

See below

New Ambulance x 2 @ \$239,497

\$478,994

HGAC Order Fee

\$ 1,000

SC Sales Tax (2 x \$500)

\$ 1,000

Grand Total:	\$480,994

 Insert Addition Vendor Info.

FUNDING:

Account #10001230-54000, General Fund, EMS, Vehicle Purchases.

Note in 2017 the County purchased one ambulance from the same contract with no change in price for this year.

Funding approved: Yes  By: aholland Date: 08/30/2018 

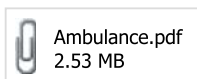
FOR ACTION:

Governmental Committee meeting occurring September 4, 2018.

RECOMMENDATION:

The Governmental Committee approve and recommend to County Council the contract award to purchase two Ambulances from the afore

Attachment:



cc: Tom Keaveny, Interim County Administrator


Approved: Yes  Date: 08/31/2018 

Check to override approval: ☐ Overridden by:

Override Date: 

Alicia Holland, Assistant County Administrator, Finance

Approved: Yes  Date: 08/30/2018 

Phil Foot, Assistant County Administrator, Public Safety 

Approved: Yes  Date: 08/30/2018 

Check to override approval: ☐ Overridden by:

Override Date:  ready for admin: ☒

Donna Ownby, Director, Emergency Medical Services Dep 

Approved: Yes  Date: 08/30/2018 

Check to override approval: ☐ Overridden by:

Override Date:  ready for admin: ☒

 CC others

After Initial Submission, Use the Save and Close Buttons

**CONTRACT PRICING WORKSHEET**
For MOTOR VEHICLES OnlyContract
No.:

AM10-16

Date
Prepared:

7/24/2018

This Worksheet is prepared by Contractor and given to End User. If a PO is issued, both documents **MUST** be faxed to H-GAC @ 713-993-4548. Therefore please type or print legibly.

Buying Agency:	Beaufort County Council	Contractor:	AEV / NORTHWESTERN EMERGENCY VEHICLES			
Contact Person:	Howell Youmaus	Prepared By:	David Hudler			
Phone:	843-812-8030	Phone:	336-977-1015 (cell)			
Fax:		Fax:	336-246-8978			
Email:	howelly@bcgov.net	Email:	david@nwev.com			
Product Code:	AA03	Description:	Type I Ford F-450 4X2 AEV Ambulance			
A. Product Item Base Unit Price Per Contractor's H-GAC Contract:		\$148,524.00				
B. Published Options - Itemize below - Attach additional sheet(s) if necessary - Include Option Code in description if applicable. (Note: Published Options are options which were submitted and priced in Contractor's bid.)						
Description		Cost	Description		Cost	
01-FM-4WH2 Aluminum Wheels		1,257.00	05-EL-23XW Stop/Tail Whelen M9		495.00	
05-HA-13HX Condenser ACC X717		875.00	05-EL-23X4 Turn Whelen M9		562.00	
02-BC-0500 Walk through Cab High		819.00	05-EL-23XY Back up Whelen M9		571.00	
04-EA-14A8 Running Boards		1,444.00	05-EL256B Entry Door Lights		332.00	
04-BW-ABX Rear Bumper		952.00	05-EL-45L4 Left Scene Light		528.00	
06-IG-0310 Vanner 20-1050 CUL		1,381.00	05-EL-45TA Right Scene Light		528.00	
07-01-SEIV Wise Child Seat		689.00	05-EL-46R4 Rear Load Lights		528.00	
07-CA-48ZT Solid Surface		853.00	05PM-LRK3 Whelen M9 Warning Lights		3,000.00	
04-HA-1310 Arctic Wedge		1,051.00	05-PM-LRK 1 Whelen M9 front of box		900.00	
10-EC-2700 Refrigeratoer Norcold		867.00	04-BW-DP00		503.00	
02-B8-1D80 Body Mod		1,371.00	Subtotal From Additional Sheet(s):		63,457.00	
04-SU-1707 Liquid Spring		3,827.00	Subtotal B:		86,790.00	
C. Unpublished Options - Itemize below / attach additional sheet(s) if necessary. (Note: Unpublished options are items which were not submitted and priced in Contractor's bid.)						
Description		Cost	Description		Cost	
GTT Opticom GPS Preemption High Priority Series		4,183.00				
			Subtotal From Additional Sheet(s):			
			Subtotal C:		4,183.00	
Check: Total cost of Unpublished Options (C) cannot exceed 25% of the total of the Base Unit Price plus Published Options (A+B).			For this transaction the percentage is:		2%	
D. Total Cost Before Any Applicable Trade-In / Other Allowances / Discounts (A+B+C)						
Quantity Ordered:	2	X Subtotal of A + B + C:	\$239,497.00	=	Subtotal D:	\$478,994.00
E. H-GAC Order Processing Charge (Amount Per Current Policy)					Subtotal E:	\$1,000.00
F. Trade-Ins / Special Discounts / Other Allowances / Freight / Installation / Miscellaneous Charges						
Description		Cost	Description		Cost	
			Subtotal F:		0	
Delivery Date:		TBD	G. Total Purchase Price (D+E+F):		\$479,994.00	

ADDITIONAL PUBLISHED OPTIONS

Description	Cost
04-BW-DP25 Aluminum Rear kick plate	623.00
04-EA-31C0 Electric Zico	2,175.00
05-HA-0654 Danhard 125 VAC System	3,752.00
06-EC-3070 Recording System	1,338.00
07-CA-3300 Robinson Roll door	953.00
07-CA-4900 Solid Surface Telemetry Area	749.00
08-CR-09PL Stryker power load	26,774.00
08-05-0500 Zico O2 Lift	2,834.00
07-WC-LPTN Life Pak 15 bracket	1,245.00
12-PT-02E0 Custom Paint	2,400.00
34-XX-3201 Stryker Power Pro	15,897.00
34-XX-3209 Stryker XPS side rail	2,652.00
34-XX-3212 Stryker Compatibility kit	2,065.00
TOTAL:	\$63,457.00

ADDITIONAL UNPUBLISHED OPTIONS

[illegible]

