

AN ORDINANCE

AMENDING THE FOLLOWING PORTIONS OF THE CHARLESTON COUNTY CODE

- 1. CHAPTER 3 DEALING WITH ANIMALS AND FOWL,**
- 2. CHAPTER 14 DEALING WITH MOBILE HOMES, AND**
- 3. CHAPTER 2 / ARTICLE VII / SECTION 2-312 DEALING WITH GEOGRAPHIC INFORMATION SYSTEMS**

Section 1.0. Purpose of Amendment, Finding

WHEREAS, County staff have reviewed fees as they compare to surrounding local governments and as they compare to the costs of supplying various services, and

WHEREAS, as a result of this inquiry, the County Administrator has reported that certain fees are below those charged by other local governments and also do not recover an appropriate portion of the costs of providing the services related thereto, and

WHEREAS, Council finds that the County should charge fees for certain services provided, and

WHEREAS, the Charleston County animal shelter seeks to amend the name of the county animal shelter and reflect the shelter's new address,

WHEREAS, an activity of the County has caused conflicts in requirements which has caused a need to update and clarify the appropriate fee application schedule for GIS data and information distributed,

NOW, THEREFORE, be it ordained by Charleston County Council, in meeting duly assembled, as follows:

Section 2.0 - Text Change:

1. The pertinent portion of Section 3-1 of the Charleston County Code of Ordinance entitled "Definitions" is hereby amended as follows:

Animal shelter operation means any organization charged with the operation of an animal shelter (i.e., Charleston Animal Society) under an agreement with the county government.

2. The pertinent portion of Section 3-2(b) of the Charleston County Code of Ordinance entitled "Seizure and right of entry to protect abandoned, neglected or cruelly treated animals" is hereby amended as follows:

If the magistrate's court determines that the owner is unable to care for any animal or is not a fit person to own such animal, the owner may appeal that decision to the court of common pleas (nonjury) of the county by serving a copy of his notice of

appeal on the magistrate within 30 days following the decision together with an appeal bond in an amount equal to the contractual daily rate charged to the county by the Charleston Animal Society, or other designated animal shelter(s), which rate shall be established by adoption in the county budget ordinance effective July 1 each year, multiplied by 90 days, which is the typical time within which an appeal is heard. Should the hearing on appeal be delayed beyond 90 days, the circuit judge, in his discretion, may impose an additional bond amount on the owner. Should the appeal result in a reversal of the magistrate's decision or a remand of the matter for a new hearing, the bond will be returned to the owner. However, if the magistrate's decision is affirmed, the bond shall be forfeited to the county sheriff's office for its use in reimbursing the animal shelter for its costs of care for the animal. Should the owner appeal from the circuit court's decision, additional bonds shall be assessed in an amount to be determined by the appellate court.

3. The pertinent portions of Section 3-5 (a) and (c) of the Charleston County Code of Ordinance Entitled "Impoundment of pets running at large: disposition" are hereby amended as follows:
 - a. Any pet or dangerous pet running at large may be impounded by the animal control officer or any of the persons empowered to enforce this chapter and transported to the county animal shelter, or to any other nonprofit animal shelter designated by county council, and there impounded and confined until redeemed or disposed of as hereinafter provided. If an animal is transported to an animal shelter other than the Charleston Animal Society, the redemption fee cited in section 3-6 below shall not be collected.
 - c. At-large animals and pets shall be either euthanized after five working days, or placed for adoption at the discretion of the animal shelter operator (Charleston Animal Society).

4. The pertinent portion of Section 3-6 (c) of the Charleston County Code of Ordinance entitled "Redemption fees" is hereby amended as follows:

The fees set forth herein shall be collected from the owner by the animal control officer or animal shelter operator and turned over to the county treasurer, who shall make monthly accounting of such funds. Such fees shall go toward defraying the expense of operating the animal shelter. A redemption fee will be charged for impoundment and payment for daily boarding costs for animals, excluding livestock, as assessed by the county.

5. The pertinent portions of Section 3-9 (b) of the Charleston County Code of Ordinance entitled "Designation of animal shelter, disposal of impounded animals" are hereby amended as follows:

The county hereby designates the Charleston Animal Society at 2455 Remount Road, North Charleston, as the approved animal shelter for Charleston County, pursuant to section 47-3-30, Code of Laws of South Carolina, 1976.

6. The pertinent portion of Section 3-10 (a) of the Charleston County Code of Ordinance entitled ' Designation of animal shelter, disposal of impounded animals" is hereby amended as follows:

At the end of the detention periods set forth in subsections 3-4(1) or 3-5(c) above, the ownership of (or title to) a pet impounded under the provisions of this chapter shall be transferred to the animal shelter operation Charleston Animal Society, which may attempt to adopt out the pet to a responsible new owner. All required fees must be paid at the time of adoption.

7. The pertinent portion of Section 3-12 (a)(4) of the Charleston County Code of Ordinance entitled "Duties" is hereby amended as follows:

Supervising and being in charge of animals impounded in the shelter, until such time as ownership of such animals is given to Charleston Animal Society, the county's animal shelter.

Section 3-0. Text Change:

1. The pertinent portions of Section 14 - 8 of the Charleston County Code of Ordinance entitled "moving permit requirement" are hereby amended as follows:

(a) Prior to the movement of any mobile home being transported into, out of, or within the boundaries of the county, a county moving permit must be acquired. This moving permit will be issued by the county mobile home division and must be displayed at the rear of the mobile home during the entire transit period. If a mobile home is to be located within the boundaries of the county, appropriate zoning approvals must be obtained prior to issuance of the moving permit, unless located in a preapproved mobile home park. Failure to acquire this permit will place the mobile home hauler and the owner in violation of this chapter. Before issuing a moving permit, the licensing agent shall require a receipt from the county treasurer indicating that all prior taxes and fees have been paid on the mobile home. If the mobile home is to be moved outside the boundaries of the county, all current taxes and fees must be paid in addition to prior taxes and fees. The current value of the mobile home shall be assessed by the assessor, and the auditor shall base the taxes on the prior year's millage.

(b) A fee for each moving permit shall be be paid as required, in accordance with the schedule as established by county council.

2. The pertinent portions of Section 14 - 10 of the Charleston County Code of Ordinance entitled "dealer responsibility" are hereby amended as follows:

(a) Each mobile home dealer shall complete, in full, a detail of sale form (D.O.S.) on every unit sold. A copy of the D.O.S. form shall be mailed to the county mobile home division within ten working days of the date of the sale. Mobile home dealers shall report all repossessions that are taken back into inventory. The repossession inventory form (R.I.F.) must be completed in full and mailed also within ten working days from the date of repossession.

- (b) Before a person shall engage in the business of selling mobile homes, he/she must obtain a license or registration from the County mobile home division. An annual fee for each mobile home dealer shall be required in order to move mobile homes out of the County, in accordance with the schedule as established by County Council.

Section 4-0. Text Change:

The pertinent portions of Section 2 - 312 of the Charleston County Code of Ordinance entitled "data and information distribution" are hereby amended as follows:

A fee shall be collected from customers for copies of GIS data. An initial fee schedule of individual data elements will be reviewed by county council. The fee schedule will include a description of each thematic data element to be sold, distribution format, file format, and unit pricing information. The county administrator, as he deems necessary, may update the fee schedule. For good cause, the county administrator may waive or reduce fees for GIS data when such actions are in the best interests of the county. The administrator shall maintain records of requests for waivers, which shall contain a description of whether each request was approved or denied, and the reasons therefore.

Section 5.0 - Effective Dates; Severability

This ordinance shall be effective immediately following approval at third reading. The changes in the animals and fowls code shall be effective as of approval of third reading.

First Reading: May 18, 2010

Second Reading: June 1, 2010

Third Reading: June 15, 2010

If any provision of this ordinance or its application to any circumstance is held by a court of competent jurisdiction to be invalid for any reason, this holding does not affect other provisions or applications of this ordinance, which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.