

**AN ORDINANCE
AMENDING ORDINANCE No. 731 (CHARLESTON COUNTY CODE SECTION 3-2)
TO REQUIRE AN APPEAL BOND TO BE POSTED WHERE AN ANIMAL CUSTODY
DECISION IS APPEALED.**

Section 1.0 Purpose of Amendment, Findings

1. Currently, Charleston County Ordinance No. 731, Codified at Section 3-2 of the Charleston County Code of Ordinances, provides that Animal Control Officers may seize animal(s) whose owners are found not to be providing the appropriate level of care.
2. Following seizure, a custody hearing must be scheduled before a Magistrate to determine whether the owner is a fit person to care for the animal(s).
3. Should the custody of the animal(s) be awarded to the County, the owner has the right to appeal that decision to the Court of Common Pleas, which normally will take approximately 90 days before it can be scheduled for a hearing.
4. During the pendency of that appeal process, the County must pay the John Ancrum SPCA to house and care for the animal(s).
5. The cost of that care is currently \$11.00 per day per animal. In cases involving multiple animals, the costs to the County can accumulate rapidly.
6. A requirement that the owner who is appealing an adverse custody order post a bond equal to the cost of maintaining the animal(s) during a normal appeal time would mitigate the costs to county taxpayers of housing animals in the case of an unsuccessful appeal.
7. Therefore, Council finds that it is in the best interests of the county to amend Section 3-2(b) and add a Section 3-2(c) to its Code of Ordinances as set forth below.

Section 2.0 Text Change

1. Section 3-2(b) of the Code of Ordinances of Charleston County is hereby amended to read as follows:

(b) 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 (Non-Jury) of the county by serving a copy of his Notice of Appeal on the magistrate within thirty (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 SPCA, 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 ninety (90) days, which is the typical time within which an appeal is heard. Should the hearing on appeal be delayed beyond ninety (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.

2. Section 3-2 is further amended by adding the following subsection (c):

(c) Nothing in the section shall be construed to prohibit the destruction of a critically injured or ill animal or an animal identified as carrying or having an infectious or contagious condition or disease or any unidentified animal deemed to represent a physical danger to the public, animal control, shelter staff, or other impounded animals may be humanely euthanized upon agreement by animal control and shelter staff.

Section 3.0 Severability; Remainder of Ordinance Reaffirmed

1. 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.
2. The remainder of Ordinance 731, as amended shall, continue in full force and effect.

Section 4.0 - Effective Date; Initial Bond Amount

This Ordinance becomes effective upon approval following Third Reading. The initial bond amount under this ordinance shall be Nine Hundred Ninety Dollars (\$990), to be adjusted annually in the budget ordinance as set forth above.