

STATE OF SOUTH CAROLINA)

COUNTY OF SPARTANBURG)

CITY OF INMAN)

ORDINANCE NO.: 17 - 06

AN ORDINANCE

TO AMEND THE INMAN MUNICIPAL CODE, BY REPEALING ORDINANCE #10-10 AND BY AMENDING CHAPTER 4 "ANIMALS" BY INSERTING A NEW ARTICLE 1 "IN GENERAL."

BE IT ORDAINED by the Mayor and City Council of the City of Inman, South Carolina, in Council assembled:

Section 1. That Ordinance #10-10 "TO AMEND ORDINANCE PROHIBITING THE KEEPING OF NON-DOMESTIC ANIMALS IN THE CITY LIMITS OF THE CITY OF INMAN" of the Code of Ordinances of the City of Inman, South Carolina, is hereby repealed.

Section 2. That the Code of Ordinances of the City of Inman, South Carolina, is hereby amended by adding an Article to Chapter 4 "ANIMALS," to be numbered Article 1, which Article reads as follows:

Article 1. In General

Sec. 4-1. Definitions.

"Non-domestic animal." A non-domestic animal is defined as any wild animal which is not naturally tame or gentle but is of a wild nature or disposition and which, because of its size, vicious nature, or other characteristics, would constitute a danger to human life or property.

"Farm animal." A farm animal is defined as an animal that is normally found on a farm, ranch, or stable. Such animals include, but are not limited to, horses, cattle, sheep, goats, chickens, ducks, guineafowl, and swine.

Sec. 4-2. Prohibited Animals.

No person shall keep, maintain, or harbor within the City of Inman any of the following animals:

- (a) Any animal or species prohibited by South Carolina or Federal law.
- (b) Any non-domestic animal or species, including but not limited to the following:

- (1) Any skunk, whether captured in the wild, domestically raised, or descended or not descended.
- (2) Any large cat of the family Felidae, such as lions, tigers, jaguars, leopards, cougars, and ocelots, except commonly accepted domesticated house cats.
- (3) Any member of the family Canidae, such as wolves, foxes, coyotes, dingos and jackals, except domesticated dogs.
- (4) Any crossbreed, such as the crossbreed between dogs and coyotes or dogs and wolves, but not including crossbred domesticated animals.
- (5) Any poisonous pit viper, such as rattlesnake, coral snake, water moccasin, or cobra.
- (6) Any raccoon.
- (7) Any other animal that is not listed explicitly above, but that can be reasonably defined by the terms in Sec. 4-1 of this Article, including bears and badgers.

(c) Any farm animal, except domesticated female chickens as permitted according to Sec. 4-5 of this Article.

Sec 4-3. Selling Prohibited.

No person shall offer for sale, within the city limits, any animal prohibited in Sec. 4-2 of this Article.

Sec 4-4. Exceptions to Prohibited Animals.

- (a) Non-poisonous snakes, birds kept indoors, hamsters, mice, rabbits, gerbils, white rats, guinea pigs, chinchillas, lizards, and other small animals capable of being maintained continuously in cages are exempt from the prohibitions specified in Sec. 4-2.
- (b) Any animal specifically trained and certified for the assistance of the handicapped or disabled is exempt from the prohibitions specified in Sec. 4-2.

Sec. 4-5. Raising or Keeping Domesticated Female Chickens – In General.

- (a) Purpose. The purpose of this section is to provide standards for the keeping of domesticated female chickens. It is intended to enable residents to keep a small number of domesticated female chickens on a non-commercial basis while limiting the potential adverse impacts on the surrounding neighborhood. The City

recognizes that adverse neighborhood impacts may result from the keeping of domesticated female chickens. This section is intended to create licensing standards that ensure that domesticated female chickens do not adversely impact the neighborhood surrounding the property on which chickens are kept.

(b) The keeping of domesticated female chickens shall be in compliance with the following regulations, in addition to any zoning and/or building regulations that may be applicable to the construction of coops:

(1) No more than six domesticated female chickens shall be kept or maintained on a single premise. It shall be unlawful to keep roosters or more than six domesticated female chickens. It shall be unlawful to keep or maintain domesticated female chickens at a duplex or apartment complex.

(2) Such domesticated female chickens must be confined in a coop that is fully enclosed with a solid floor and made of suitable, washable material. The coop shall be cleaned regularly with all droppings and excretions placed in a fly-proof container unless otherwise disposed of in accordance with any federal, state, or local health regulations. The chicken coop must be located at least 50 feet from the nearest residence other than that of the owner, and no coop shall be placed in a front or side yard. Failure to confine the domesticated female chickens, maintain the coop, or manage the droppings and excretions in compliance with this section shall be unlawful.

(3) It shall be unlawful to slaughter any domesticated female chickens on the premises.

(4) It shall be unlawful to raise domesticated female chickens for commercial purposes within the corporate limits of the City.

(5) It shall be unlawful to keep domesticated female chickens on premises within the City without first obtaining an approval of the location of the chicken coop and the issuance of an annual permit. Any annual permit is subject to ordinance revisions adopted by the City Council. Should the City Council amend the Ordinance to prevent domesticated female chickens or to enact any other new conditions for keeping domesticated female

chickens, then any such amendment shall apply to current permits within thirty days from the date of adoption of the City Council's revisions.

(c) Annual Permit. The annual permit to keep domesticated female chickens is specific to the permittee and may not be assigned. No permit shall be issued without the written consent of abutting property owners. In addition, the permit authorizes the keeping of domesticated female chickens only upon the property described in the permit. The permittee must occupy the residence on the property where the domesticated female chickens are kept as the permittee's personal, primary residence. An applicant for a permit must either own the property or have permission from the property owner to be eligible for a permit. Only one permit is allowed per permittee. In the event the permittee is absent from the property for longer than thirty days, then the permit shall automatically terminate and become void. The issuance of a permit does not create a vested legal right to renewal of the permit beyond the stated term thereof. A permit that is issued to a person whose property is subject to private restrictions that prohibit the keeping of domesticated female chickens is void. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.

(d) Fenced Chicken Coop.

(1) Domesticated female chickens must be kept in a fenced enclosure at all times. In addition to the fenced enclosure, domesticated female chickens shall be provided with a covered, predator-resistant chicken coop.

(2) A minimum of two square feet per domesticated female chicken shall be provided for the chicken coop.

(3) Fenced enclosures and chicken coops must be properly ventilated; kept clean, dry, and odor-free; kept in a neat and sanitary condition at all times, and in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor, or other adverse impacts.

(4) The chicken coop and fenced enclosure must provide adequate ventilation and adequate sun and shade, and must be constructed in a manner to resist access by rodents, wild birds, and predators, including dogs and cats.

- (5) Chicken coops shall be enclosed on all sides and shall have a roof and doors. Opening windows and vents must be covered with predator- and bird-resistant wire of less than one inch openings.
 - (6) All stored food for the domesticated female chickens shall be kept either indoors or in a weather-resistant container designed to prevent access by animals. Uneaten food shall be removed daily.
- (e) Application for Permit. Every applicant for a permit to keep domesticated female chickens shall:
- (1) Complete and file an application on a form prescribed by the City.
 - (2) The City shall issue a permit if the applicant has demonstrated compliance with the criteria and standards in this section.
 - (3) A permit to keep domesticated female chickens may be suspended or revoked by the City where there is a risk to public health or safety or any violation of or failure to comply with any of the provisions of any other applicable ordinance or law. Any denial, revocation, or suspension of a permit shall be in writing and shall include notification of the right to and procedure for appeal.
 - (4) No fee will be imposed for permits issued on or before June 30, 2017. For permits issued on or after July 1, 2017, the permit fee will be set by City Council in its adoption of the annual City fee schedule.
- (f) Notice, objections, and hearings.
- (1) Appeals for Permit Denial, Revocation, or Suspension. A permit holder or an applicant for a permit to keep female domesticated chickens whose permit has been revoked or suspended, or whose permit application has been denied, may request an appeal before the City Council.
 - (2) Deadline to Request Appeals. All appeals granted under this section must be requested in writing to the City Clerk within ten days of the permit denial, permit revocation, or permit suspension, whichever is applicable.
 - (3) Procedure for Hearing Appeals. A request for an appeal must be presented to the City Clerk and be made in writing, stating the reasons why the owner or permit holder disagrees with the City's determination. The City Council

shall hear the appeal at its next regular meeting, and the party requesting appeal may appear in person or by attorney.

An appeal shall stay all legal proceedings in furtherance of the action appealed from.

During its hearing of any appeal made under this section, the City Council may, upon making a finding that there is an error in any decision or determination made by an officer of the City in the enforcement of this section:

- (i) Grant a permit application that had been denied by an officer of the City; or
- (ii) Reinstate a permit that had been revoked or suspended by an officer of the City.

Sec. 4-6. Impounding of non-domesticated or farm animals.

Any non-domesticated or farm animal kept in violation of this ordinance may be impounded by the City. Unless such impounded animal is reclaimed and removed from the City, the animal may be destroyed or sold five days following notice to the owner of such animal of its impoundment and the provisions of this Ordinance.

Any person reclaiming any such impounded animal shall pay the costs of impounding and keeping the same at the time of its release.

Sec. 4-7. Existing non-domesticated and farm animals.


Anyone keeping or maintaining any non-domesticated or farms animals as of April 11, 2017 has ninety days with which to comply with the provisions of this Ordinance. Extensions beyond ninety days may be granted for just cause by the City Council, but in no case shall such extension permanently exempt a person from the requirements of this ordinance.

Section 3. This ordinance shall take effect upon second reading approval.

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PASSED AND ADOPTED by the City Council, this 10 day of April, 2017.

Inman City Council

By: 
Cornelius Huff
Mayor

ATTEST:



Robin Henderson
City Clerk

First Reading: 3-8-17

Second Reading: 4-10-17

APPROVED AS TO FORM:


City Attorney