



JOSEPH P. RILEY, JR.
MAYOR

City of Charleston

VANESSA TURNER-MAYBANK
CLERK OF COUNCIL

South Carolina

Clerk of Council Department
January 14, 2009

Janie Borden
Assistant Corporation Counsel
50 Broad Street
Charleston, SC 29401

Dear Ms. Borden:

At the January 13, 2009 City Council meeting, Council ratified the following ordinance:

2009-01 An ordinance to amend the Code of the City of Charleston, South Carolina, Chapter 5, Section 4 and Chapter 5, Section 5 to prohibit the use of voice control to restrain animals and to require the use of a leash or other means of physical control. **As Amended**

A copy of each of the ratified ordinances is enclosed for your records. Please let me know if I can be of any further assistance.

Sincerely,

Tanya J. Noonan
Assistant Clerk of Council

Enclosures: As Stated

C:

Chief Mullen (w/ copy of ordinance)
Laurie Yarborough (w/ copy of ordinance)
Matt Compton (w/ copy of ordinance)



Ratification
Number 2009-01

AN ORDINANCE

TO AMEND THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA, CHAPTER 5, SECTION 4 AND CHAPTER 5, SECTION 5 TO PROHIBIT THE USE OF VOICE CONTROL TO RESTRAIN ANIMALS AND TO REQUIRE THE USE OF A LEASH OR OTHER MEANS OF PHYSICAL CONTROL. (AS AMENDED)

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS IN CITY COUNCIL ASSEMBLED:

Section 1. Chapter 5, Section 4 of the Code of the City of Charleston is hereby amended by deleting said Section in its entirety and substituting in its place and stead the following:

"Sec. 5-4. Animals at large prohibited.

- (a) No person owning or having possession, charge, custody or control of any animal shall cause, permit or allow the animal to stray or in any manner to run at large in or upon any public street, sidewalk, athletic field, athletic facility, or park or upon the property of another, if such animal is not under a physical restraint or a leash so as to allow the animal to be controlled. The length of a leash shall not be more than 16 feet long.
- (b) Animals may be permitted to occupy a city park or an area of a city park under sufficient strict voice control without physical restraint or a leash when the director of the department of parks determines that during certain hours or under certain conditions animals may be permitted to occupy a city park or an area of a city park under strict voice control and posts the city park accordingly.
- (c) No animal of any kind shall be permitted on any tennis court, fenced recreation field, or athletic field at any time, even if such animal is physically restrained, leashed or otherwise controlled.
- (d) When any 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 a physical restraint or a leash."

Section 2. Chapter 5, Section 4 of the Code of the City of Charleston is hereby amended by deleting the following phrases that are stricken and adding thereto the following underlined phrases, which shall read as follows:

"Sec. 5-5. Restraint of animals.

Every person owning or having possession, charge, care, custody, or control of any animal shall keep such animal exclusively upon his own premises; provided,

however, that, any such animal may be off such premises if it is ~~under the control of a competent person and the animal is~~ restrained by a chain or leash or other means of adequate physical control, ~~or under strict voice control~~; provided, however, that, when any 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~~ the control of a competent person and restrained by a chain or leash or other means of adequate physical control. Any animal not in an enclosed or fenced area, except as otherwise provided in Section 5-4, ~~or under strict voice control~~ must be leashed at all times."

Section 3. This Ordinance shall become effective March 1, 2009.

Ratified in City Council this 13th day of January in the Year of Our Lord, 2009, in the 233rd Year of Independence of the United States of America.

By:



Joseph P. Riley, Jr.
Mayor, City of Charleston

ATTEST:



Vanessa Turner-Maybank
Clerk of Council