



CITY OF SPARTANBURG

SOUTH CAROLINA

CITY COUNCIL AGENDA

City Council Meeting
City Council Chambers
145 West Broad Street
Spartanburg, SC 29306
Monday, April 9, 2018
5:30 p.m.

- I. **Moment of Silence**
- II. **Pledge of Allegiance**
- III. **Approval of the Agenda of the April 9, 2018 City Council Meeting**
- IV. **Public Comment**
*Citizen Appearance forms are available at the door and should be submitted to the City Clerk
- V. **Recognition of Sergeant Brenda Briggs, City of Spartanburg Fire Department Retiree**
Presenter: Mayor Junie White
- VI. **Public Hearing**
 - A. **Ordinance to Amend the City of Spartanburg, South Carolina Zoning Ordinance, by Amending Section 206, Changes to District Boundaries, Specifically Parcel #6-21- 11-027.00, Located at 1200 John B. White Senior Boulevard, that is Currently Zoned R-15, With a Land Use Designation of Single Family Residential District to LOD, with a Land Use Designation of Limited Office District for the Purchase of Property for Use as a Financial Advisor's Office; Contingent Upon the Rezoning Being Approved. Paul M. Bailey, President, Palmetto Private Wealth Advisors, on Behalf of Charles E. Garrett, Owner (First Reading)**
Presenter: Natalia Rosario, Planner III
- VII. **Ordinance**
 - A. **Ordinance to Amend the Code of the City of Spartanburg 1988, Chapter 4, "Animals and Fowl" to Change the Title of Said Chapter and Make Amendments in Sections as Indicated (Second Reading)**
Presenters: Ed Memmott, City Manager

VIII. Consent Agenda

- A. Approving a Development Agreement Between the City of Spartanburg and 127 W. Main, LLC (Second Reading)**
Presenter: Patty Bock, Economic Development Director

IX. Resolution

- A. Allocating FY2018 Community Development Block Grant and HOME Partnership Funds**
Presenter: Martin Livingston, Neighborhood Services Director

X. Other Business

- A. Council Review of Proposed 2018 Road Resurfacing Program**
Presenter: Tim Carter, Engineering Administrator
- B. City Attorney Position**
Presenter: Ed Memmott, City Manager
- C. Hospitality Tax Grants Committee**
Presenter: Chris Story, Assistant City Manager
- D. Spartanburg Housing Authority Boardmember Application**
Presenter: Connie McIntyre, City Clerk

XI. City Council Updates

XII. Adjournment

** Non-Agenda Items*

City Code Sec. 2-57. Citizen Appearance. Any citizen of the City of Spartanburg may speak at a regular meeting on any matter pertaining to City Services and operations germane to items within the purview and authority of City Council, except personnel matters, by signing a Citizen's Appearance form prior to the meeting stating the subject and purpose for speaking. No item considered by Council within the past twelve (12) months may be added as an agenda item other than by decision of City Council. The forms may be obtained from the Clerk and maintained by the same. Each person who gives notice may speak at the designated time and will be limited to a two (2) minute presentation.

**Agenda Items*

City Code Sec. 2-56. Addressing Council, Comments or Remarks to Council on Agenda Items Not Requiring Public Hearing. On agenda items not requiring a Public Hearing, please provide to the City Clerk prior to the opening of the meeting, your desire to speak on an agenda item. Remarks shall be limited to five (5) minutes and total remarks on any agenda item shall not exceed twenty (20) minutes.



REQUEST FOR COUNCIL ACTION

TO: Ed Memmott, City Manager

FROM: Natalia Rosario, Planner III.

SUBJECT: Rezoning of property located at 1200 John B. White, Senior Boulevard, Paul M Bailey, President, Palmetto Private Wealth Advisors, on behalf of Charles Garrett, Property Owner.

DATE: April 9, 2018

SUMMARY: On March 15, 2018, the Planning Commission held a public hearing and reviewed a rezoning request submitted by Paul M Bailey, President, Palmetto Private Wealth Advisors, proposed buyer, on behalf of Charles Garrett, Property Owner to rezone parcel 6-21-11-027.00 from Zone R-15, Single Family Residential District to LOD, Limited Office District, in order to purchase the property for use as a financial services office, contingent upon the zoning approval.

The 2004 Comprehensive Plan calls for this area to continue transitioning to limited commercial and limited activity center uses, including the zoning category of LOD. Therefore, the proposed zoning change is consistent with the comprehensive plan and the character of the corridor.

The Planning Commission held a public hearing on the proposal on March 15, 2018. After consideration of the staff report, public comments, and the criteria set forth in the City of Spartanburg Zoning Ordinance and 2004 City Comprehensive Plan, the Planning Commission voted to recommend approval of the request to City Council for the rezoning of the parcel from R-15 to LOD.

PLANNING COMMISSION RECOMMENDATION: The request was endorsed by the Planning Commission on March 15, 2018 by a vote of 6 to 0. Staff's recommendation concerning this application is explained in detail in the attached staff report to the Planning Commission.

ADDITIONAL INFORMATION: Minutes from the March 15, 2018 Planning Commission Meeting and Staff Report with attachments are included. In addition, enclosed is a proposed Ordinance in the event that Council approves the rezoning request.

BUDGET AND FINANCE DATA: N/A

AN ORDINANCE

ORDINANCE TO AMEND THE CITY OF SPARTANBURG, SOUTH CAROLINA ZONING ORDINANCE AND COMPREHENSIVE PLAN LAND USE ELEMENT, BY AMENDING SECTION 206, CHANGES TO DISTRICT BOUNDARIES, SPECIFICALLY PARCEL #6-21-11-027.00 LOCATED AT 1200 JOHN B. WHITE SENIOR BOULEVARD, WHICH IS ZONED R-15, WITH A LAND USE DESIGNATION OF SINGLE FAMILY RESIDENTIAL DISTRICT TO ZONE LOD, WITH A LAND USE DESIGNATION OF LIMITED OFFICE DISTRICT AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Spartanburg now finds that, upon further review, it is in the public interest that the land use designation for the parcel identified on the Official Zoning Map of the City of Spartanburg, South Carolina, dated August 6, 1973, as amended, by changing the zone of Lot 027.00 as shown on Spartanburg County Block Map Sheet 6-21-11, from Zone R-15, Single Family Residential District to LOD, Limited Office District; and

WHEREAS, this zoning change would be compatible with surrounding land uses and neighborhood character, would not be detrimental to the public health, safety and welfare, and, further, would be in conformance with the Comprehensive Plan; and

WHEREAS, the Planning Commission held a public hearing on March 15, 2018, at which time a presentation was made by staff and an opportunity was given for the public to comment on the rezoning request; and

WHEREAS, the Planning Commission, after consideration of the staff report, public comments, and the criteria set forth in Section 605 of the Zoning Ordinance, subsequently voted at that meeting to recommend to City Council that the rezoning request be approved as recommended by City Staff.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Members of Council of the City of Spartanburg, South Carolina, in Council assembled:

Section 1. Amendment. That the official zoning map of the City of Spartanburg, as referenced by Section 206 of the Zoning Ordinance, be, and the same hereby amended as follows:

- The Lot currently identified as 027.00 on Spartanburg County Block Map Sheet 6-21-11, shall be now designated as LOD, Limited Office District.

(continued on page 2)

Section 2. Severability. If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. Effective Date. This Ordinance shall be effective upon its adoption by the City Council of the City of Spartanburg, South Carolina.

DONE AND RATIFIED THIS _____ DAY OF _____, 2018.

Junie L. White, Mayor

ATTEST:

Connie S. McIntyre, City Clerk

APPROVED AS TO FORM:

Larry Flynn, Interim City Attorney

___/___/___ (First Reading)

___/___/___ (Second Reading)

***Spartanburg City Planning Commission Meeting Minutes
Thursday, March 15, 2018***

*City Hall Council Chambers
Spartanburg, South Carolina*

The City Planning Commission met in City Hall Council Chambers on Thursday, March 15, 2018 at 5:30 P.M. The following City Planning Commissioners attended this meeting: Jared Wilson, Howard Kinard, Dr. Phillip Stone, II, Bob Pitts, Mike Epps, and Wendell Cantrell. William “Luke” Quillen was absent. Representing the Planning Department were Natalia Rosario, Planner III.; and Julie Roland, Administrative Assistant.

Roll Call

Mr. Wilson, the Chair, stated that notice of this meeting was posted and provided to the media 24 hours in advance as required by the Freedom of Information Act.

Mr. Wilson noted that six Planning Commissioners were present, constituting a quorum; and he went over the rules and procedures for conducting a public hearing.

Mr. Cantrell moved approval of the Agenda for tonight’s meeting; and he was seconded by Dr. Stone. The motion was unanimously approved by a vote of 6 to 0.

Disposition of the Minutes from the February 15, 2018 meeting of the Spartanburg City Planning Commission.

Mr. Cantrell moved the Minutes from the February 15, 2018 Meeting be approved as presented; and he was seconded by Dr. Stone. The minutes were unanimously approved by a vote of 6 to 0.

Old Business – None.

New Business

Rezoning Request – TMS#6-21-11-027.00 located on 1200 John B. White Senior Boulevard, which was currently zoned R-15, Single Family Residential District to zone LOD, Limited Office District in order to allow for proposed buyer to use the property as a financial services office, contingent upon the rezoning being approved; from Paul Bailey, President, Palmetto Private Wealth Advisors on behalf of Charles Garrett, Property Owner.

Ms. Natalia Rosario, Senior Planner came forward and was sworn, and she submitted the report the Planning Commissioners had previously received in their meeting packets, as well as the slides, and presentation into evidence as Exhibit A. Some slides were shown of the property and surrounding area. Ms. Rosario said the petitioner was here to give his presentation to the Planning Commissioners.

Mr. Paul M. Bailey, President, Palmetto Private Wealth Advisors came forward and was sworn, and explained he would like to purchase the property to improve the property and intended to develop some of the bedrooms into professional offices as well as a conference room. It looked pretty rough right now; but it seemed all the neighbors were very happy about what he was proposing. They would put some off street parking to the side; and they did not intend to turn the back yard into an asphalt parking lot as some others had done to the property in the past. He expected the property to take about \$40,000 in improvements and felt it would improve the entire general area.

Board Questions:

- Mr. Cantrell asked Mr. Bailey where the proposed parking would be located.
- Mr. Bailey referenced a slide and explained it would be located on the side; and they planned to landscape the front yard as well.
- Mr. Kinard asked was there a tenant there now.
- Mr. Bailey said there was not.

Ms. Rosario came forward again and showed more slides in order to better illustrate the request. She went over the analysis of required findings and report the Planning Commissioners had previously received in

their meeting packets that included the following list of criteria for the Planning Commission to consider when reviewing a rezoning request and Staff's analysis of those criteria as follows:

1. *Consistency (or lack thereof) with the Comprehensive Plan* – The 2004 Comprehensive Plan calls for this area to continue transitioning to limited commercial and limited activity center uses, including the zoning category of LOD. Therefore, the proposed zone change is consistent with the comprehensive plan and the character of the corridor.
2. *Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood* – The parcel immediately adjacent to the west is zoned as LOD and in use as a salon. The property to the east that faces North Pine Lake Drive is zoned R15, Single Family and is currently used as such. Across John B. White Sr. Blvd. the properties are zoned LOD and occupied as permitted uses in this zone.
3. *Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment* – The property is suitable for the uses permitted within the LOD: Limited Office District Zone. The required bufferyard 3 (for office use to single family residential use) in the rear is already in existence, with over 50' (70' total) from the rear property line to the rear of the structure, a fence with tall shrubs along the rear property line, and several canopy trees and bushes between the structure on 1200 John B. White Sr. Blvd. and the rear property line. The applicant intends to pave 4-5 parking spaces with one handicap space available in order for his clients to access the site. Access to the site will remain where it currently is, off of N. Pine Lake Drive, and is not expected to impact traffic within the Pine Lake Subdivision.
4. *Marketability of the property affected by the amendment for uses permitted by the district applicable to the properties at the time of the proposed amendment* – Staff is of the opinion that the building's orientation towards John B. White Sr. Blvd. makes it unsuitable for use as a single family home, as the corridor is now a 5-lane road, dominated by office and commercial uses. The property has remained as a rental or vacant since 2013, and is now for sale by the owner, who resides outside of Spartanburg County. The rezoning of the property to LOD will increase the marketability of the property, as the applicant intends to purchase and improve upon the existing structure and site.
5. *Availability of sewer, water and storm water facilities generally suitable and adequate for the proposed use* – Both water and sanitary sewer services are available to this site.

Staff's Analysis & Recommendation:

Staff is of the opinion that the proposed zone change from R-15: Single Family Residential to LOD, Limited Office District will be a beneficial and appropriate use for the area. Therefore, Staff recommends approval of the proposed zone change from R-15 to LOD. Ms. Rosario explained if the Planning Commission recommended the request favorably at tonight's meeting; it would then go for another Public Hearing and First Reading before the Mayor and City Council on April 9, 2018; and then a Second, Final Reading on April 23, 2018.

Planning Commission Questions/Comments:

- Dr. Stone asked if there were any storm drains on North Pine Lake Drive.
- Ms. Rosario said it was a relatively older subdivision and it may not; but Mr. Jay Squires, Stormwater Manager would determine that when a site plan came in if the request moved forward.
- Dr. Stone asked was there a rule on how many parking spots the City would require.
- Ms. Rosario said she believed it went by square feet of the property, and she and Mr. Bailey had discussed that; she said what he was proposing was an acceptable amount. Ms. Rosario said the City required one space for 750 square feet of office space.
- Mr. Kinard asked about the Bufferyard 3.

- Ms. Rosario said it was based on the use; and she explained the Bufferyard 3 requirements to the Planning Commission and said the petitioner exceeded the requirements.
- Mr. Kinard asked whether the trees she had just mentioned were on the subject property or the neighbors property.
- Ms. Rosario said they were on the subject property.
- Mr. Pitts asked would the parking spaces be in the back of the property.
- Ms. Rosario referenced a slide and said they would be on the side.
- Mr. Pitts asked about a handicapped parking space.
- Ms. Rosario explained from the zoning ordinance regarding the handicapped space.

Mr. Wilson opened the public hearing and asked anyone who had a question, or would like to speak in favor of the request or in opposition of the request to come forward.

- Ms. Hattie Haulbrook of 209 N. Pine Lake Drive came forward and said it was a very nice neighborhood and they would like to keep it that way. Ms. Haulbrook was not against the request, she was just concerned about the water runoff already at the back of her property and she mentioned Miss Marion's School; and she explained what happened when it rained. She said they had tried to get the City to do something about the water runoff for many years, and they had even had the City Attorney out there before. That was her main concern, and also the privacy wall, and she said the lady next door was an elderly lady and was concerned with the privacy wall.
- Ms. Rosario explained Mr. Bailey would only be responsible for any water runoff from his site. She said she would bring it up to the Stormwater Manager again and also to the Assistant City Manager regarding the problem occurring at Miss Marion's School of Dance.
- Mr. Wilson said as it related to this site, that she had mentioned earlier the Stormwater and Utility group would take a look at potential stormwater calculations regarding if a site plan was submitted for the project.
- Ms. Rosario said that was correct.
- Mr. Bobby Jackson of 212 N. Pine Lake Drive came forward and said he was on the other side of the street, and he could attest to the water problem Ms. Haulbrook had attested to; but it currently did not bother his yard as much as it did hers and some of the others.
- Mr. Tommy Parker of 204 N. Pine Lake Drive came forward and said he did not have any water problems, but his concern was that the property was an eyesore. He said the place had not been kept up since the lady that use to live there had passed away. He had called the City many times about the grass needed cutting, windows had been shot out, etc. Mr. Parker said a couple of previous renters had way too many cars with eight to ten cars in the back yard; and the police had come out several times. Also he said the trash that got thrown out along John B White, never got picked up, and every few months, one of the neighbors would go out and pick up the trash. He would like to see the place be kept up better.
- Dr. Stone explained he had been in a meeting a couple of nights ago where litter was a big concern, and they had all agreed there was a city-wide litter problem and he said the City Manager was going to work on that problem in the next budget cycle. He said the Code Enforcement issue he had referred to, he would make sure that the President of the Woodland Heights Neighborhood Association knew about that so they could keep that issue in front of them. Dr. Stone said hopefully if the request is approved that a lot of the problems would go away.

Mr. Wilson asked Mr. Bailey if he would like to address any of the issues to feel free to come forward again.

Mr. Bailey explained that financing was contingent upon rezoning, and if it got too costly he would need to pull away.

Mr. Wilson asked if anyone else wished to speak regarding the request. No one else came forward. Mr. Wilson closed the public hearing.

Planning Commission Deliberation:

- Mr. Kinard felt they had a ready, willing, and able petitioner and felt the proposed use would be a very good plan for the property.
- Dr. Stone agreed with Mr. Kinard, and felt LOD would be the best use; and he would hope as they went through Site Plan Review on the project would alleviate any of the water problems that were mentioned, and he was in support of the request.
- Mr. Wilson said between City Staff reviewing it, and Site Plan Review Process he did not see any problems.
- Mr. Pitts agreed.

Dr. Stone moved approval of the request as presented, and he was seconded by Mr. Pitts. The motion was unanimously approved by a vote of 6 to 0.

Mr. Wilson said the next step in the process would be for another Public Hearing and First Reading of Ordinance before the Mayor and City Council on April 9, 2018; and then if approved it would go for a Second, final Reading on April 23, 2018.

Site and Landscape Plans Approved (information purposes only) since the February 15, 2018 Council Meeting.

- Eastside Baptist Church Building Addition – 1850 Fernwood Glendale Road.
- Parkside at Drayton – 110 Fernwood Drive.

City Council Updates (FYI) Since Last Mtg. of Planning Commission on February 15, 2018 Meeting.

Ms. Rosario went over the updates that were listed on the Agenda.

Staff Announcements

- Ms. Rosario informed the Planning Commissioners they had a new Planner that would begin work on April 2, 2018; and her name was Apoorva Kumar, who was an excellent young woman and she would probably be at the next meeting.
- Ms. Roland said she had sent an email earlier regarding anyone that needed or wanted to attend the 2017 SCAPA Conference.
- Ms. Rosario said there would be more existing conference happening in the fall that would be several days with Regional Planners coming in.

The meeting adjourned at 6:10 P.M.

Respectfully Submitted

Jared Wilson, Chair

+Minutes by Julie Roland, Administrative Assistant



REQUEST FOR CITY COUNCIL ACTION

TO: Mayor and Members of City Council

FROM: Ed Memmott, City Manager

SUBJECT: Second Reading Consideration of an Ordinance to Amend Chapter 4 of the City Code

DATE: April 3, 2018

BACKGROUND:

Attached you will find a copy of an ordinance that will, if approved, make various amendments to the Chapter 4 of City Code. The amendments contained in the proposed ordinance are consistent with Council's first reading approval with the exception that language has been added to provide for an effective date of July 9, 2018.

ACTION REQUESTED:

Second reading consideration of the proposed ordinance.

BUDGET AND FINANCIAL DATA:

N/A

ORDINANCE

TO AMEND THE CODE OF THE CITY OF SPARTANBURG 1988, CHAPTER 4, "ANIMALS AND FOWL" TO CHANGE THE TITLE OF SAID CHAPTER AND MAKE AMENDMENTS IN SECTIONS AS INDICATED

BE IT ORDAINED BY THE MAYOR AND MEMBERS OF COUNCIL OF THE CITY OF SPARTANBURG, SOUTH CAROLINA, IN COUNCIL ASSEMBLED:

Section 1. To amend the Code of the city of Spartanburg 1988, Chapter 4, "ANIMALS AND FOWL", to change the title of the Chapter 4 to read, "ANIMAL STANDARD OF CARE AND TREATMENT".

Section 2. To amend Section 4-1. Definitions, as follows:

Amend "*Proper Shelter*" to read:

"*Adequate Shelter*: Shelter that is safe and protects the animal from injury, rain, sleet, snow, hail, the adverse effect of heat or cold, and physical suffering, and that is of a size sufficient for the animal to stand up and turn around. Portable pet carriers wire crated, pet taxis or metal barrels are not adequate shelter."

Add "*Adequate Space*" to read:

"*Adequate Space*: Sufficient space to allow the animal to easily stand, sit, lie, turn, and make all other normal body movements in a comfortable, normal position for the animal."

Amend "*Restraint*" to read:

"*Restraint*: An animal controlled by means of a leash, secured on a cable or cable trolley system, or secured inside a vehicle while being driven or parked, or within a secure enclosure.

(Voice command, using audible signals or hand signals are not viable means of restraint.)

Section 3. To amend Section 4-8. Impoundment of Animals, sub-section (b) to read as follows:

(b) Impounded animals shall be kept for a minimum of five (5) days before becoming the property of the animal shelter.

Section 4. To amend Section 4-11. Limiting the Ownership of Dogs and cats within the City Limits, sub-section (c), (1) to read as follows:

- (c) (1) *Approved inspection:*** The owner/keeper shall provide current rabies vaccinations for all animals, current city license for all required animals, adequate shelter for all animals, accessible food and water, living environment free of accumulated debris and waste, any tethering device shall be at least 10 ft. and have snap swivel or other similar device to prevent choking and tangling. Any other additional animals that may be added after the inspection must be approved in the same manner.

Section 5. To amend Section 4-15. Mistreatment of Animals, sub-section (c) to read as follows:

- (c)** If an animal services officer finds a violation of this section, the office shall seize and impound the animal and leave written notice of impoundment in a conspicuous location about the premises. The animal will remain as evidence at the animal shelter pending the court's decision. If an owner or keeper is not found the animal will irrevocably become the property of the animal shelter after a five (5) day impound period.

Section 6. To amend Section 4-16. Human Treatment Required, sub-section (a) to read as follows:

- (a)** No owner or keeper shall fail to provide clean fresh water, good wholesome food, adequate shelter and protection from the weather, veterinary care when needed to prevent suffering, and humane treatment. The owner or keeper must maintain a clean living environment free of accumulated waste and debris so that the animal can walk and lay down without coming into contact with any waste or debris.

Section 7. To amend Section 4-16. Humane Treatment Required sub-section (b) with an addition of sub-section (1) and (2) to read as follows:

- (b)** Adequate shelter means the provision of and access to shelter that is safe and protects the animal from injury, sleet, rain, snow, hail, and the adverse effects of heat or cold, and physical suffering, and that is of a size sufficient for the animal to stand up and turn around.

For a dog confined outside, the term adequate shelter shall additionally mean that:

- (1) In winter months, the dog must have access to shelter with a roof, that has an entrance covered by a flexible wind-proofing material or self-closing door, that sits on a platform at least 4 inches off the ground and that contains dry bedding, which shall consist of an insulating material that does not retain moisture, such as straw, and is of a sufficient depth for the dog to burrow.**
- (2) In all other months, the dog must have access to a shelter shaded by trees, a roof, a tarp or tarp-like material.**

Section 8. To amend Section 4-16. Humane Treatment Required, to add sub-section (c), and to change sub-section reference order (e) to (d), and sub-section reference (d) to (e) with text to remain the same in those sub-sections, to read as follows:

- (c) Animals must be brought into a temperature controlled environment facility when the temperature is at or below 32 degrees Fahrenheit or when a heat advisory, wind chill warning, or tornado warning has been issued by local, state, or national authority except when the dog is in visual range of a competent adult who is outside with the dog.**
- (d) No person shall crop a dog's ears or tail except a licensed veterinarian.**
- (e) No person shall give away any live animal, fish, reptile or bird as a prize for, or an inducement to enter any contest, game or other competition for as an inducement to enter a place of amusement or as an incentive to enter into any business agreement whereby the offer was for a purpose of attracting trade.**

Section 9. To amend Section 4-17. Abandoning Animals, sub-section (c) to read as follows:

- (c) If the animal has not been removed after 24 hours or if animal control has not been notified that the animal is being cared for, the animal services officer shall impound the animal at the animal shelter for a period of not less than five (5) days.**

Section 10. To amend Section 4-26. Tying or Staking Animals to “Restraining Animals”, to delete sub-sections (a) through (g), and add sub-sections (a)(1) Cable Trolley Systems, (2) Pens or Secure Enclosures, and add sub-section (b) to read as follows:

Sec. 4-26. Restraining Animals.

(a) Animals may be restrained as follows:

(1) Cable Trolley Systems –

To utilize a cable trolley system, the primary trolley runner line must be at least ten (10) feet in length between the two pulley stop points. The secondary line shall attach to the animal’s properly fitting metal buckle-style collar or harness made of nylon or leather, no less than one inch in width and one inch or greater in diameter than the animal’s neck or torso. It shall have a rolling trolley, which is freely moveable a distance of at least ten (10) feet on the primary trolley line with a spring/shock absorber attachment and swivels at both ends.

The trolley system shall allow the animal unrestricted body movement and utilization of the entire area designated by the trolley system. The trolley system must also allow the animal free access to food, water and adequate shelter.

The trolley system must be of appropriate configuration to prevent escape of the animal, entanglement with other objects, and confine the animal to the owner’s property. The primary trolley line shall be used to restrain only one animal at a time.

No person shall restrain an animal outside of the range of a competent adult, also outside with the animal nor, in any case, by use of the Cable Trolley System for more than two hours in any continuous 12-hour period. The tether is connected to the animal with a buckle type collar or a body harness made of nylon or leather; is not less than one inch in width and is one inch greater in diameter than the animal’s neck or torso. The animal must be in visual range of the responsible party and the responsible party must be outside with the animal.

(2) Pens or Secure Enclosures

To utilize a pen or secure enclosure, the enclosure must be at least 100 square feet. A dog over eighty (80) pounds must be provided with an additional fifty (50) square feet. For each additional dog inside the enclosure, fifty (50) square feet of space for exercise must be added per dog.

- (b) All collars used to restrain an animal must be made of nylon, leather, or other durable material, and must be fitted so as to not cause injury to the animal or embed itself in the animal's neck. The use of chain, choke, pronged or pinch type collars as a primary collar is prohibited.

Section 11. To amend Section 4-33. Disposition or Feral or Dangerous Animals, to read as follows:

Any animal that is feral, wild or otherwise dangerous to the animal shelter staff and in the opinion of the animal services officer and the shelter manager, is dangerous to the safety and welfare of the animal shelter staff, to provide basic sustenance and shelter, the five (5) day period may be waived and the animal shall be humanely euthanized. Except for the following:

- (a) Any animal being held as evidence.
- (b) Any animal taken pursuant to a search warrant.
- (c) Any animal being held pending court disposition.
- (d) Any animal held for quarantine.

Section 12. This Ordinance shall become effective July 9, 2018.

DONE AND RATIFIED this ____ day of _____, 2018.

ATTEST:

CITY CLERK

MAYOR

___/___/___ 1st Reading

___/___/___ 2nd Reading

APPROVED AS TO FORM:

CITY ATTORNEY

City Code
Chapter 4
ANIMALS AND FOWL
**Change name of Chapter 4 to:
“Animal Standard of Care and Treatment”**

Sec. 4-1. Definitions.

Abandonment: Deserting or intending to give up absolutely any animal without providing adequate food, water or sanitary shelter for 24 hours or longer.

Altered Animals: Any animal that has been spayed or neutered.

Animal: Any nonhuman vertebrate, whether wild or domesticated.

Animal Services Officer: The person(s) or office designated to enforce this chapter.

Animal Shelter: Any facility or premises designated by the City for the purpose of impoundment, care, or destruction of animals held pursuant to this chapter.

At large: Any animal not lawfully on the owner’s/keeper’s property or not under the immediate control of a competent person by way of leash or other similar restraining device. Voice command or use of audible signals or hand signals is not deemed to be sufficient control.

Breeder: Any person owning unaltered animals with the intent of selling the animals’ offspring.

Cat: All member of the domestic feline family.

Circus: Commercial variety show featuring animal acts for public entertainment.

Commercial Animal Establishment: Any pet shop, grooming shop, kennel, auction, riding school or any other establishment licensed to deal in or with a volume of animals.

Dog: All members of the domestic canine family, not to include wild animals.

Domestic Animal: any normal household pet, such as, but not limited to, dogs, cats, non-native birds, ferrets, hamsters, guinea pigs, gerbils, rabbits, fish, or small, non-venomous reptiles or non-venomous snakes.

Exotic Pet: An animal that is not domesticated and is not native to North America, including but not limited to, pot-bellied pigs, reptiles and arachnids.

Feral: An animal that was domesticated at one time, but now lives in the wild or that has been born in the wild and has not been domesticated.

Habitually: Done regularly or frequently.

Impound: To confine humanely while providing adequate food, water, and shelter.

Injury: Physical damage to the body or part of the body.

Kennel: Any facility wherein a person, business, or organization regularly keeps six or more dogs or other animals and receives compensation for the service or for the sale of the animals.

Neutered Male: Any male that has been surgically sterilized.

Owner or keeper: Any person who (a) has a right of property in an animal; (b) keeps or harbors an animal or has it in the person's care, or acts as its custodian for three (3) or more days.

Performing animal exhibition: Any spectacle, display, act, or event other than circuses, in which performing animals are used, commercially or for profit. Not to include dog shows or obedience training not for profit.

~~***Proper Shelter:*** Protective covering that provides protection from all forms of weather and consists of at least 4 sides, a roof, floor and an opening for ingress and egress. It should be appropriately sized for the animal.~~

Adequate Shelter: Shelter that is safe and protects the animal from injury, rain, sleet, snow, hail, the adverse effect of heat or cold, and physical suffering, and that is of a size sufficient for the animal to stand up and turn around. Portable pet carriers, wire crates, pet taxis or metal barrels are not adequate shelter.

Adequate Space: Sufficient space to allow the animal to easily stand, sit, lie, turn, and make all other normal body movements in a comfortable, normal position for the animal.

Rescuer: Any individual, partnership, organization or company that takes in animals and arranges placement or adoption of said spayed/neutered animals.

Restraint: An animal controlled by means of leash, ~~chain or other like devise,~~ **secured on a cable or cable trolley system**, or secured inside a vehicle while being driven or parked, or within a secure enclosure.
(Voice command, using audible signals or hand signals are not viable means of restraint).

Riding School or Stable: means any premises having available for hire, boarding or riding instruction, any horse, pony, donkey, mule or burro.

Spayed female: Any female which has been surgically sterilized.

Stray Animal: Any animal running at large with no identifiable owner.

Vicious or dangerous animals: Any animal (a) with the propensity or inclination to attach unprovoked, to cause injury to, or otherwise to endanger the safety of humans or domesticated pets; (b) which has attacked a human being or domesticated animal without provocation; or (c) which is trained to fight or attack humans or other animals.

Wild animal: Untamed animal, living in its natural state, including but not limited to alligators, crocodiles, bears, feline family (including mountain lions, pumas, lions, tigers), canine family (including wolves, wolf hybrids, coyotes), non-human primates, and snakes.

Zoological Park: means any facility, other than a pet shop or kennel, displaying or exhibiting one (1) or more species of non-domesticated animals operated by a person, partnership, corporation or government agency.

Sec. 4-2. Animal Services Officer; Authority; Powers and Duties.

The animal services officer, under the direction of the Director of Public Safety or their designee, shall be responsible for:

- (1) Ensuring that all dogs and cats in the city are duly licensed and are inoculated against rabies as required by this chapter.**
- (2) Cooperating with the county health officer in the enforcement of the laws of the state with regard to animals, the vaccinations of dogs and cats against rabies and the disposition of animals found to be kept in violation of this article and the laws of the state.**
- (3) Investigating all complaints with regard to dogs, cats and other animals.**
- (4) Obtaining a search warrant to enter any premises upon which there is probable cause to believe that a violation of this chapter exists-with the search warrant, the animal services officer may enter the premises to examine and take custody of animals whenever the animal services officer determines that the action is appropriate to achieve the purpose of this chapter.**

- (5) **Pursuit of animals. In exigent circumstances, the animal services officer shall be authorized to follow and enter upon any enclosure or lot, public or private, within the city limits when the animal services officer has probable cause to believe that an animal is rabid, abused, neglected, dangerous, vicious, or an imminent threat to the health, welfare of safety of the general public, and to take custody of the animal, when appropriate, to achieve the purpose of this chapter.**

Sec. 4-3. Interference with Animal Services Officer.

- (a) **It shall be unlawful for any person to interfere with, hinder, or molest the animal services officer in the performance of his/her duties or to seek to release any animal in his custody without his/her consent or to attempt to assist the animal services officer without his/her consent, or to not provide the animal services officer with proper identification, false identification or false information or to fail to comply with the animal services officers directions or orders.**
- (b) **It shall be unlawful for any person to interfere, damage, molest, move or remove any traps or restraining devices used by animal services or any contracted agency that may be used from time to time or to release any animals from any such traps or restraining devices.**

Sec. 4-4. Nuisance Animals: Animal Control Procedures.

- (a) **The actions of an animal constitute a public nuisance when the animal threatens the safety of, or injures a member of the general public, damages property (public or private, including other animals), interferes with the ordinary use and enjoyment of the property of others in the vicinity of where the animal is kept, or properties affected by its running at large. An animal is considered a nuisance by way of example, but not limited to, the following acts or actions:**
 - (1) **The animal habitually or repeatedly chases, snaps at or attacks pedestrians, bicycles or vehicles;**
 - (2) **The animal is allowed or permitted to damage the property of anyone other than the owner or keeper or to impede the properties ordinary use even if the property is not damages.**
 - (3) **The animal's unsanitary condition cause offensive odors, filth, vermin, or disease or is dangerous to the health and safety of the animal or the community.**
 - (4) **The animal makes sounds, such as but not limited to, barks, whines, crows, howls, or cackles in a continuous, or unreasonable fashion to**

result in the serious interference with the use and enjoyment of neighboring premises or in an untimely fashion;

(b) Animal Services Officer Involvement and Procedure

- (1) Upon receipt of the complaint, the animal services officer shall investigate the validity of the complaint, if the officer determines that the complaint is valid, the officer will notify the owner or keeper of the animal in writing to correct the violation.**
- (2) If the owner or keeper is found to be in violation of this section fail to correct the violation after five (5) business days of the notice, the animal shall be impounded and the owner or keeper shall be subject to the penalties for this chapter.**

Sec. 4-5. Animal Noise.

No person shall keep or maintain a dog or any other animal that barks, howls or otherwise makes or causes noise in excessive, continuous or untimely fashion. Excessive shall mean noise that is discernable and can be heard inside a neighboring residential dwelling by persons of ordinary sensibilities. The court shall consider untimely fashion in individual cases and in general consider hours that persons are at rest.

Sec. 4-6. Dogs to be Kept Under Restraint.

All dogs shall be kept under restraint at all times by the owner. Each owner shall exercise proper care and control of any animals owned by him.

Sec. 4-7. Running at Large.

No person is permitted to allow any animal to run at large within the city. Any animal shall be deemed to be running at large when off or away from the premises of the owner, possessor or keeper or his agent or a member of his family, and not on a leash, cord or chain not more than sixteen feet (16') in length in the hands of the person immediately in charge of such animal.

Exempt from this chapter are a) those animals involved in an organized performance or training event and b) any animal used for law enforcement purposes by law enforcement officer.

Sec. 4-8. Impoundment of Animals.

- (a) The animal services office or other law enforcement agency shall take unrestrained and nuisance animals to the animal shelter for humane confinement.**

- (b) Impounded animals shall be kept for a minimum of ~~three (3)~~ **five (5)** days before becoming the property of the animal shelter.
- (c) If any animal is identifiable by means of a tag, tattoo, microchip, or other means, the owner or keeper shall be notified by an impound notice conspicuously left upon the premises of the owner or keeper or by telephone by animal services or contracted third party e.g. Shelter personnel, at the earliest practical time.
- (d) Any dog or cat being reclaimed from the animal shelter will be micro chipped. This is an invasive procedure by way of injection and shall be performed prior to the release of the animal.
- (e) Any dog or cat being reclaimed from the animal shelter which has not been spayed or neutered will be subject to an additional reclaim fee of \$200 for 1st offence and \$500 for subsequent offences within a calendar year unless the animal is spayed or neutered prior to reclaim, provided that any registered breeding animal that is impounded will be returned to the owner without being spayed or neutered.
- (f) The owner or keeper of an impounded animal shall pay all fees associated with the impoundment of the animal.
- (g) It shall be the animal services officer's discretion to return any animal in violation of this section to its owner or keeper, provided that the owner or keeper is present and is able to safely and humanely confine or restrain the animal.

Sec. 4-9. Penalties Regarding Impounded Animals

The owner or keeper in violation of this chapter may be subject to criminal prosecution, in addition to such fees paid for the release of the impounded animal.

Sec. 4-10. The City Declared a Bird Sanctuary Except Birds Constituting a Nuisance.

- (a) The territory within the corporate limits of the city is hereby designated a bird sanctuary and shall be unlawful for any person to kill, trap, hunt, shoot or attempt to shoot, willfully injure, or maim any bird or wild fowl or to rob any bird or wild fowl nests of their eggs.

(b) Birds constituting a nuisance:

- (1) Birds congregating in such numbers in a particular locality that they constitute a public nuisance or endanger the health of the public or damage property in the opinion of the proper health authorities of the city, such authorities shall meet with representatives of the Audubon Society, Bird Club, Humane Society or any other such clubs that are found to exist in the city-after giving at least three (3) days notice of the time and place for the meeting to representatives of such clubs.**
- (2) Feral or wild pigeons are deemed a public nuisance. It shall be unlawful for any person to feed wild or feral pigeons on any public property located within the city limits unless as part of an animal control effort to control bird population.**
- (3) If no satisfactory alternative is found to abate such nuisance within thirty (30) calendar days-such birds may be destroyed in such numbers and manner deemed advisable by the health authorities under the supervision of the director of public safety.**

Sec. 4-11. Limiting the Qwnership of Dogs and Cats within the City limits.

- (a) It shall be unlawful to own, keep, harbor, or maintain any more than five (5) dogs and/or cats over the age of four (4) months, in any combination thereof, on any property or lot within the City limits without first purchasing a Multiple Animal Permit.**
- (b) Having been granted a permit does not preclude that individual or entity from having to license all dogs and cats for which the permit was granted.**
- (c) Pet owners who are granted multiple animal permits may be subject to random inspections by the animal services officer. As a condition of receiving the multiple animal permit, the animal owner is granting permission to inspect all animals and the premises where animals are kept, to ensure that the animals are housed, cared for and maintained within the provisions of this chapter. Inspections are to be performed with prior notice to the owner and within the presence of said owner within 24 hours of notification. If the owner refuses permission for such inspection, then the permit or license may be revoked.**
 - (1) *Approved inspection:* The owner/keeper shall provide current rabies vaccinations for all animals, current city**

license for all required animals, ~~proper~~ **adequate** shelter for all animals, accessible food and water, living environment free of accumulated debris and waste, any tethering device shall be at least 10 ft. and have snap swivel or other similar device to prevent choking and tangling. Any other additional animals that may be added after the inspection must be approved in the same manner.

(2) ***Failed inspection:*** A failed inspection may be appealed to the Director of Public Safety within (10) working days. The animals may remain on the property until a decision has been reached.

(d) ***Violation of Ordinance.*** If the animal services officer believes, or finds a violation of this ordinance, the owner or keeper will be notified in writing. The owner or keeper must comply within ten (10) working days of written notice. If the owner or keeper is in non-compliance after ten (10) working days, the animal services office shall seize and impound the animal(s) in violation, and hold the animals until a court decision has been made.

Sec. 4-12. Prohibitions and Restrictions in Regard to Animals Permitted at Special Events.

- (a) No owner or keeper shall permit any animal, restrained or not, to be in an area in which a special event is being held pursuant to a special event permit issued under this code, unless the event specifically authorizes the presence of animals.
- (b) This section does not apply to guide, hearing, or service dogs or other dogs which have been trained to accompany a person with a disability while being accompanied by a disabled person, or to any dog or horse in the custody or control of a law enforcement officer while the officer is in the performance of official duties.

Sec. 4-13. Prohibited Animals.

- (a) No person shall keep or maintain any wild animal or exotic pet within the city limits.
- (b) No person shall keep or maintain any horse, donkey, mule, ass, swine, sheep, goats, cattle or any other livestock or grazing type animal within the city limits.
- (c) No person shall keep or maintain any domesticated fowl to include

but not limited to roosters, ducks, geese, turkeys, guineas, pheasant, emus, ostrich or any other domesticated fowl within the city limits.

- (d) This section does not apply to zoological parks, performing animal acts, stable, or riding school, providing the same has applied for and was granted a license or permit.
- (e) This section does not apply to those persons currently keeping or maintaining any domesticated fowl or other animals that were not previously precluded by the Ordinance. Any person having such animal must register the animal before January 1, 2009.

Sec. 4-14. Raising or Keeping Domesticated Female Chickens Generally.

- (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 the chickens are kept.
- (b) The keeping of domesticated female chickens shall be in compliance with the following, in addition to any zoning and/or building regulations that may be applicable to the construction of coops and:
 - (1) No more than six (6) domesticated female chickens shall be kept or maintained on a single premise. It shall be unlawful to keep roosters or more than six (6) 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 which 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 located at least 50 feet from the nearest residence other than that of the owner.

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 would be subject to ordinance revisions adopted by Council. Should Council amend the Ordinance to prevent domesticated female chickens or any other new conditions, such amendment would apply to current permits within thirty (30) days from the date of adoption of Council's revisions.**

- (c) Annual Permit. The annual permit to keep domesticated female chickens is personal 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 authorized 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 (30) days, the permit automatically shall terminate and become void. The issuance of a permit does not create a vested 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 (2) square feet per domesticated female chicken shall be provided for the chicken coop.**
 - (3) Fenced enclosures and chicken coops must be properly ventilated, clean, dry, and odor-free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact.**
 - (4) The chicken coop and fenced enclosure must provide adequate ventilation and adequate sun, 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 (1) inch openings.**
 - (6) All stored food for the domesticated female chickens must 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 for 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 having an expiration date of June 30, 2012. For permits issued for the fiscal year 2012-2013 and thereafter, the permit fee will be set by City Council in its adoption of the annual City budget and fee schedule.**

Sec. 4-15. Mistreatment of Animals.

- (a) No person shall starve, beat, neglect, ill-treat, torture, overload, overdrive, overwork, cruelly kill, or inflict unnecessary pain upon any animal.
- (b) No person shall leave an animal unattended in, or tethered to a standing or parked motor vehicle in a manner that endangers the health and safety of the animal or motor vehicle in a manner that endangers the health and safety of the animal or safety of the animal or safety of any person.
- (c) If an animal services officer finds a violation of this section, the officer shall seize and impound the animal and leave written notice of impoundment in a conspicuous location about the premises. The animal will remain as evidence at the animal shelter pending the court's decision. If an owner or keeper is not found the animal will irrevocably become the property of the animal shelter after a ~~three (3)~~ **five (5)** day impound period.

Sec. 4-16. Humane Treatment Required.

- (a) No owner or keeper shall ~~fail~~ **fail** to provide clean fresh water, good wholesome food, ~~proper~~ **adequate** shelter and protection from the weather, veterinary care when needed to prevent suffering, and humane treatment. The owner or keeper must maintain a clean living environment free of accumulated waste and debris so that the animal can walk and lay down without coming into contact with any waste or debris.
- (b) ~~Property shelter includes a structure appropriately sized for the animal consisting of (4) four sides, an impervious roof, floor and an opening for ingress and egress. The structure must adequately protect the animal from harsh weather.~~

Adequate shelter means the provision of and access to shelter that is safe and protects the animal from injury, sleet, rain, snow, hail, and the adverse effects of heat or cold, and physical suffering, and that is of a size sufficient for the animal to stand up and turn around.

For a dog confined outside, the term adequate shelter shall additionally mean that:

- (1) **In winter months, the dog must have access to shelter with a roof, that has an entrance covered by a flexible wind-proofing material or self-closing door, that sits on a platform at least 4 inches off the ground and that contains dry bedding, which shall consist of an**

insulating material that does not retain moisture, such as straw, and is of a sufficient depth for the dog to burrow.

(2) In all other months, the dog must have access to a shelter shaded by trees, a roof, a tarp or tarp-like material.

(c) Animals must be brought into a temperature controlled environment facility when the temperature is at or below 32 degrees Fahrenheit or when a heat advisory, wind chill warning, or tornado warning has been issued by local, state, or national authority, except when the dog is in visual range of a competent adult who is outside with the dog.

(e) (d) No person shall crop a dog's ears or tail except a licensed veterinarian.

(d) (e) No person shall give away any live animal, fish, reptile or bird as a prize for, or an inducement to enter any contest, game or other competition for as an inducement to enter a place of amusement or as an incentive to enter into any business agreement whereby the offer was for a purpose of attracting trade.

Sec. 4-17. Abandoning Animals.

(a) No owner or keeper shall abandon an animal.

(b) If an animal is believed to be abandoned, a written notice must be placed in a conspicuous location about the property giving notice that the animal will be impounded if the owner or keeper does not contact the animal services office by the date and time indicated on the notice. The notice will remain in effect for a full 24-hour period.

(c) If the animal has not been removed after 24 hours or if animal control has not been notified that the animal is being cared for, the animal services officer shall impound the animal at the animal shelter for a period of not less than ~~three (3)~~ **five (5)-days.**

Sec. 4-18. Animal Waste

An owner or keeper walking, exercising or otherwise having their animal outside the confines of their own property, whether public or private, shall carry a means to pick up and dispose of excreta deposited by his/her animal by way of, but not limited to, a scoop and a bag.

Sec. 4-19. Striking Animals with a Motor Vehicle.

Any person operating a motor vehicle, who strikes a domesticated animal shall stop and render any assistance as may be possible and immediately report the injury or death to the animal control officer or other law enforcement agency.

Sec. 4-20. Animal Fighting and Training.

- (a) No person shall instigate, cause to, attend, or permit any dog fight, cockfight, or any other fighting between animals or between animals and humans.**

- (b) No person shall train, have equipment to, or permit the training of, any animal to attack, fight or cause injury to any domestic animal or human on any property, public or private within the city limits. Examples of training include, but are not limited to:**
 - (1) Any activity designed to torment, badger or bait any animal, for purpose of encouraging animals to fight.**
 - (2) The use of any weights on the animal, on the animal's tethering device, or on any kind of pulling structure.**
 - (3) The use of any other animals for blood sport training.**
 - (4) Any other activity that the primary purpose is to train animals to be aggressive or vicious. This does not apply to animals of licensed security companies on patrol in a confined area or animals used for law enforcement purposes.**

Sec. 4-21. Female Dogs and Cats in Heat.

Every female dog and cat in heat shall be confined in a secure enclosure so that the female cannot come into contact with another animal, except for planned breeding purposes.

Sec. 4-22. Rabies Control; Wearing of Rabies Vaccination Tag.

No owner or keeper shall allow any dog, cat or ferret over four (4) months of age on any premises within the City, unless the dog, cat or ferret has been vaccinated against rabies. The vaccination must be administered by a licensed veterinarian and the tag shall be securely attached to a collar or harness and be visible. The tag must match the dog, cat or ferret for which it was issued.

Sec. 4-23. Animal License Requirement.

- (a) All dogs and cats over four (4) months of age which have been within**

the city limits for 30 days or more must have a city license. (See fees listed below as “c”.)

(b) Any dog or cat that has been spayed/neutered is eligible for a “lifetime license”. This license is valid for life of the animal for which it was issued.

- (1) It shall be unlawful for any person to use an animal license for any other animal other than the animal it was issued to.
- (2) Written application for a license shall be filed with the city and must contain a copy of the rabies vaccination certificate with the name and address of the veterinarian who issued the certificate.
- (3) If requesting a license for a spayed/neutered animal, proof of alteration from a licensed veterinarian must be submitted with your application.
- (4) Charges for the license may be set from time to time by the City Council and a schedule of the fees shall be kept on file.
- (5) A duplicate copy of the license may be obtained for a fee.
- (6) Transfer of ownership requires a new license to be issued.
- (7) Failure to license your animal for longer than six (6) months could result in impoundment of the animal and/or prosecution.
- (8) Lifetime licenses still require annual replacement with proof of current rabies vaccinations.
- (9) Failure to replace lifetime license tag may result in revocation of license.

(c) Fees for Animal Licenses/Permits:

(1) Fees for License

Altered Animals:	\$ 6.00	Annually
(Owners over 60 years old)	\$ 5.00	Annually

Fertile Animals:	\$ 25.00	Annually
Altered Animal Lifetime: (Owners over 60 years old)	\$ 40.00 \$ 25.00	
Copy of issued tag: (Proof of ownership required)	\$ 3.00	

Sec. 4.24. Poisoning Animals.

It shall be unlawful to place substance or article which has in any manner been treated with any poisonous substance in any place accessible to human beings, birds, dogs, cats or other animals with the intent to harm or kill animals. This section, however, does not preclude the use of commercially sold rodent poisons when applied in accordance with the manufacturer's directions for such use or Licensed Exterminators using poison as a pest control program.

Sec. 4-25. Disposal of Dead Animals.

The bodies of dead animals shall be disposed of by the owner or keeper. The owner or keeper shall not allow under any circumstances, a dead animal to remain outdoors on his/her property for longer than twenty-four (24) hours unless buried.

Sec. 4-26. ~~Tying or staking animals.~~ Restraining Animals

- ~~(a) No person shall tether, fasten, chain, tie, or restrain an animal, or cause such restraining of an animal, to a tree, fence, post, dog house, or other stationary object unless tethering device used is a least ten (10) feet in length and attached in such manner as to prevent strangulation or other injury to the animal and entanglement with objects other than the stationary objects to which the device is attached.~~
- ~~(b) No person shall tether, faster, chain, tie, or restrain an animal, or cause such restraining of an animal, to a cable trolley system, that allows movement of the animal, unless the length of the cable along which the tethering device can move must be at least ten (10) feet, and the tethering device must be of such length that the animal is able to move ten (10) feet away from the cable perpendicularly.~~
- ~~(c) No person shall tether, tie, stake or chain any animal where the animal can obstruct, block or hamper the normal use of any public property or private property without the landowner's consent.~~

- ~~(d) — No person shall tether, tie, stake or chain any animal to any metering device or attempt to obstruct the device such that it prevents any service to read, disconnect, shut off, or interrupt.~~
- ~~(e) — It is unlawful to attach a chain or wire or other tethering device to, or cause such attachment to, a choke type or pronged collar.~~
- ~~(f) — It is unlawful to attach a chain or wire or other tethering device in such manner that does not allow the animal access to food, water or proper shelter.~~
- ~~(g) — It shall be unlawful for any chain or wire or other restraining device to exceed 1/8 of the animal's weight.~~

(a) Animals may be restrained as follows:

(1) Cable Trolley Systems –

To utilize a cable trolley system, the primary trolley runner line must be at least ten (10) feet in length between the two pulley stop points. The secondary line shall attach to the animal's properly fitting metal buckle-style collar or harness made of nylon or leather, no less than one inch in width and one inch or greater in diameter than the animal's neck or torso. It shall have a rolling trolley, which is freely moveable a distance of at least ten (10) feet on the primary trolley line with a spring/shock absorber attachment and swivels at both ends.

The trolley system shall allow the animal unrestricted body movement and utilization of the entire area designated by the trolley system. The trolley system must also allow the animal free access to food, water and adequate shelter.

The trolley system must be of appropriate configuration to prevent escape of the animal, entanglement with other objects, and confine the animal to the owner's property. The primary trolley line shall be used to restrain only one animal at a time.

No person shall restrain an animal outside of the range of a competent adult, also outside with the animal nor, in any case, by use of the Cable Trolley System for more than two hours in any continuous 12-hour period. The tether is connected to the animal with a buckle type collar or a body harness made of nylon or leather; is not less than one inch in width and is one inch greater in diameter than the animal's neck or torso. The animal must be in visual range of the responsible party and the responsible party must be outside with the animal.

(2) Pens or Secure Enclosures

To utilize a pen or secure enclosure, the enclosure must be at least 100 square feet. A dog over eighty (80) pounds must be provided with an additional fifty (50) square feet. For each additional dog inside the enclosure, fifty (50) square feet of space for exercise must be added per dog.

- (b) All collars used to restrain an animal must be made of nylon, leather, or other durable material, and must be fitted so as to not cause injury to the animal or embed itself in the animal's neck. The use of chain, choke, pronged or pinch type collars as a primary collar is prohibited.**

Sec. 4-27. Performing Animal Exhibits.

- (a) It shall be unlawful for any animal exhibit or circus to induce or encourage animals to perform through the use of chemical, mechanical, electrical, or manual devices in a manner that will cause or likely to cause harm to the animal.**
- (b) All equipment used on performing animals shall fit properly and be in good working order.**
- (c) Animal Services Officers may inspect any animal exhibit or circus to ensure compliance to this ordinance.**
- (d) Failure to comply with this ordinance may result in the impoundment of the animal(s) and/or the issuance of citations.**

Sec. 4-28. Dangerous or Vicious Animals.

- (a) No person shall own, keep, harbor or have charge of or in any way maintain within the city any animal which is vicious or dangerous as described in the definitions of this chapter, or that has attacked or injured any person or domesticated pet without intentional provocation, or in an aggressive or dangerous manner approaches any person or domesticated pet in an apparent attitude of attack, whether or not the attack is consummated or capable of being consummated. This section shall not apply to any animal that attacks any person or animal that is unlawfully upon its owner or keepers premises.**
- (b) Any person witnessing an animal attacking a human being or domesticated pet shall notify the animal services offices officer or other law enforcement agency authorized to enforce this chapter. Whenever the animal control office has determined that an animal has bitten or attacked a person, the animal services officer shall promptly notify the Department of Health and Environmental**

Control (DHEC) of the bite or attack and shall cooperate with the health department in its capture or impoundment, and the ten-day quarantine.

- (c) If the animal services officer has probable cause to believe that an animal has dangerous propensities or has attacked someone or a domesticated pet without intentional provocation, the animal services officer shall temporarily impound the animal pending trial on a violation of this ordinance. Within 48 hours, excluding weekends and holidays, the animal service officer must seek a determination of probable cause in the form of a judgement order from the court ofr the impoundment of the animal.**
- (d) All animals deemed vicious and/or dangerous will be registered at the office of animal services.**
- (e) If the owner or keeper cannot immediately be identified or found, the animal services officer shall leave written notice in a conspicuous place about the premises as to the conditions of the impoundment, where the animal is being held, and the officer who impounded the animal.**
- (f) Upon final determination of guilt of the owner or keeper by the court or if the owner or keeper pleads guilty or no contest to this code section, the animal services officer may release the animal for humane destruction if so ordered by the court that the dangerous animal represents a continuing threat of serious harm to human beings or domestic animals. If the court determines that the animal was vicious and dangerous in the particular incident, but does not pose a continuing threat to human beings or domestic animals, the animal may be released to the owner provided it is confined to the owner or keeper's premises in a securely enclosed fence or locked pen, kept indoors, or a combination of these confinements. The fenced area, locked pen, or premise must be clearly posted giving notice that a dangerous animal is kept on the property. The fenced area, locked pen, or premise must be designed to prevent the entry of the general public, including children, and to prevent the escape or release of the animal. The fenced area or pen must have all sides six (6) feet high or a secure top. If the fenced area or pen does not have a secure bottom, the sides must be embedded into the ground at least one (1) foot deep. In addition, a proof of liability insurance or surety bond of at least \$50,000 insuring or securing the owner for personal injuries inflicted by the dangerous animal. Failure to comply within three (3) days shall be cause for the temporary impoundment of the animal pending a show cause hearing.**

- (g) This section does not apply to licensed security companies on patrol in a confined area or animals used for law enforcement purposes by law enforcement officers.**
- (h) Nothing in this chapter shall be construed to prevent the immediate destruction by an animal services officer or a police officer of any aggressive or dangerous animal when less drastic methods are not available or effective and when an animal services officer, a police officer or the animal's owner is unable to promptly and effectively restrain or control the animal so that it might be impounded.**

Sec. 4-29. Commercial Animal Establishment.

- (a) It shall be required that any and all commercial animal establishments have a license issued by the city to conduct business within the city limits.**
- (b) An application shall be submitted to the city , pay all applicable fees for a period of one year beginning with the date of issuance of the license, an inspection of said business will be conducted within thirty (30) days after issuance of the license by the animal services officer.**

Sec. 4-30. Inspection of Premises.

- (a) As a condition of the issuance of the license, the animal services officer is granted permission to inspect the establishment to ensure all animals meet the standards set forth in this chapter.**
- (b) If permission is not granted at time of inspection, the license and permit may be revoked.**
- (c) No person who has been found guilty of cruelty to animals or who has given false information on an application shall be issued a permit.**

Sec. 4-31. Revocation of Commercial Animal Establishment License

- (a) Any commercial animal establishment which fails to comply with the standards of this chapter or any laws governing the protection and humane treatment of animals may have their permit revoked.**
- (b) When any commercial animal establishment permit is revoked, all of the animals covered by the permit will become the property of the animal shelter and will be the sole discretion of the director of the animal shelter to place the animals for adoption or humanely euthanize the animals.**

Sec. 4-32. Animal Breeders.

Any person or business entity that owns unaltered animals for the purposes of breeding must be registered. This shall be recorded when licenses are issued and will be subject to an additional charge.

Any registered breeding animal that is impounded will be returned to the owner without being spayed or neutered.

Sec. 4-33. Disposition of Feral or Dangerous Animals.

Any animal that is feral, wild or otherwise dangerous to the animal shelter staff and in the opinion of the animal services officer and the shelter manager, is dangerous to the safety and welfare of the animal shelter staff, to provide basic sustenance and shelter, the ~~three~~ **(3) five (5) day period may be waived and the animal shall be humanely euthanized. Except for the following:**

- (a) Any animal being held as evidence.**
- (b) Any animal taken pursuant to a search warrant.**
- (c) Any animal being held pending court disposition.**
- (d) Any animal held for quarantine.**

Sec. 4-34. Transportation of Animals.

No person driving a motor vehicle shall transport any animal in the open back of the vehicle in a space intended for any load on the vehicle on a highway unless the space is enclosed or has side and tail racks to an appropriate height, or is protected by a secured container or cage, in a manner which will prevent the animal from being thrown, falling, or jumping from the vehicle.

Sec. 4-35. Designated Penalties for Animal Control Ordinances.

Whenever a party is found guilty of any breach of these ordinances the Municipal Judge may, for each offence, sentence them to fines not exceeding (\$500) five hundred dollars or thirty (30) days imprisonment or both.

City Code
Chapter 4

ANIMAL STANDARD OF CARE AND TREATMENT

Sec. 4-1. Definitions.

Abandonment: Deserting or intending to give up absolutely any animal without providing adequate food, water or sanitary shelter for 24 hours or longer.

Altered Animals: Any animal that has been spayed or neutered.

Animal: Any nonhuman vertebrate, whether wild or domesticated.

Animal Services Officer: The person(s) or office designated to enforce this chapter.

Animal Shelter: Any facility or premises designated by the City for the purpose of impoundment, care, or destruction of animals held pursuant to this chapter.

At large: Any animal not lawfully on the owner's/keeper's property or not under the immediate control of a competent person by way of leash or other similar restraining device. Voice command or use of audible signals or hand signals is not deemed to be sufficient control.

Breeder: Any person owning unaltered animals with the intent of selling the animals' offspring.

Cat: All member of the domestic feline family.

Circus: Commercial variety show featuring animal acts for public entertainment.

Commercial Animal Establishment: Any pet shop, grooming shop, kennel, auction, riding school or any other establishment licensed to deal in or with a volume of animals.

Dog: All members of the domestic canine family, not to include wild animals.

Domestic Animal: any normal household pet, such as, but not limited to, dogs, cats, non-native birds, ferrets, hamsters, guinea pigs, gerbils, rabbits, fish, or small, non-venomous reptiles or non-venomous snakes.

Exotic Pet: An animal that is not domesticated and is not native to North America, including but not limited to, pot-bellied pigs, reptiles and arachnids.

Feral: An animal that was domesticated at one time, but now lives in the wild or that has been born in the wild and has not been domesticated.

Habitually: Done regularly or frequently.

Impound: To confine humanely while providing adequate food, water, and shelter.

Injury: Physical damage to the body or part of the body.

Kennel: Any facility wherein a person, business, or organization regularly keeps six or more dogs or other animals and receives compensation for the service or for the sale of the animals.

Neutered Male: Any male that has been surgically sterilized.

Owner or keeper: Any person who (a) has a right of property in an animal; (b) keeps or harbors an animal or has it in the person's care, or acts as its custodian for three (3) or more days.

Performing animal exhibition: Any spectacle, display, act, or event other than circuses, in which performing animals are used, commercially or for profit. Not to include dog shows or obedience training not for profit.

Adequate Shelter: Shelter that is safe and protects the animal from injury, rain, sleet, snow, hail, the adverse effect of heat or cold, and physical suffering, and that is of a size sufficient for the animal to stand up and turn around. Portable pet carriers, wire crates, pet taxis or metal barrels are not adequate shelter.

Adequate Space: Sufficient space to allow the animal to easily stand, sit, lie, turn, and make all other normal body movements in a comfortable, normal position for the animal.

Rescuer: Any individual, partnership, organization or company that takes in animals and arranges placement or adoption of said spayed/neutered animals.

Restraint: An animal controlled by means of leash, secured on a cable or cable trolley system, or secured inside a vehicle while being driven or parked, or within a secure enclosure.(Voice command, using audible signals or hand signals are not viable means of restraint).

Riding School or Stable: means any premises having available for hire, boarding or riding instruction, any horse, pony, donkey, mule or burro.

Spayed female: Any female which has been surgically sterilized.

Stray Animal: Any animal running at large with no identifiable owner.

Vicious or dangerous animals: Any animal (a) with the propensity or inclination to attach unprovoked, to cause injury to, or otherwise to endanger the safety of humans or domesticated pets; (b) which has attacked a human being or domesticated animal without provocation; or (c) which is trained to fight or attack humans or other animals.

Wild animal: Untamed animal, living in its natural state, including but not limited to alligators, crocodiles, bears, feline family (including mountain lions, pumas, lions, tigers), canine family (including wolves, wolf hybrids, coyotes), non-human primates, and snakes.

Zoological Park: means any facility, other than a pet shop or kennel, displaying or exhibiting one (1) or more species of non-domesticated animals operated by a person, partnership, corporation or government agency.

Sec. 4-2. Animal Services Officer; Authority; Powers and Duties.

The animal services officer, under the direction of the Director of Public Safety or their designee, shall be responsible for:

- (1) Ensuring that all dogs and cats in the city are duly licensed and are inoculated against rabies as required by this chapter.
- (2) Cooperating with the county health officer in the enforcement of the laws of the state with regard to animals, the vaccinations of dogs and cats against rabies and the disposition of animals found to be kept in violation of this article and the laws of the state.
- (3) Investigating all complaints with regard to dogs, cats and other animals.
- (4) Obtaining a search warrant to enter any premises upon which there is probable cause to believe that a violation of this chapter exists-with the search warrant, the animal services officer may enter the premises to examine and take custody of animals whenever the animal services officer determines that the action is appropriate to achieve the purpose of this chapter.
- (5) Pursuit of animals. In exigent circumstances, the animal services officer shall be authorized to follow and enter upon any enclosure or lot, public or private, within the city limits when the animal services officer has probable cause to believe that an animal is rabid, abused, neglected, dangerous, vicious, or an imminent threat to the health, welfare or safety of the general public, and to take custody of the animal, when appropriate, to achieve the purpose of this chapter.

Sec. 4-3. Interference with Animal Services Officer.

- (a) It shall be unlawful for any person to interfere with, hinder, or molest the animal services officer in the performance of his/her duties or to seek to release any animal in his custody without his/her consent or to attempt to assist the animal services officer without his/her consent, or to not provide the animal services officer with proper identification, false identification or false information or to fail to comply with the animal services officers directions or orders.**
- (b) It shall be unlawful for any person to interfere, damage, molest, move or remove any traps or restraining devices used by animal services or any contracted agency that may be used from time to time or to release any animals from any such traps or restraining devices.**

Sec. 4-4. Nuisance Animals: Animal Control Procedures.

- (a) The actions of an animal constitute a public nuisance when the animal threatens the safety of, or injures a member of the general public, damages property (public or private, including other animals), interferes with the ordinary use and enjoyment of the property of others in the vicinity of where the animal is kept, or properties affected by its running at large. An animal is considered a nuisance by way of example, but not limited to, the following acts or actions:**
 - (1) The animal habitually or repeatedly chases, snaps at or attacks pedestrians, bicycles or vehicles;**
 - (2) The animal is allowed or permitted to damage the property of anyone other than the owner or keeper or to impede the properties ordinary use even if the property is not damages.**
 - (3) The animal's unsanitary condition cause offensive odors, filth, vermin, or disease or is dangerous to the health and safety of the animal or the community.**
 - (4) The animal makes sounds, such as but not limited to, barks, whines, crows, howls, or cackles in a continuous, or unreasonable fashion to result in the serious interference with the use and enjoyment of neighboring premises or in an untimely fashion;**
- (b) Animal Services Officer Involvement and Procedure**
 - (1) Upon receipt of the complaint, the animal services officer shall investigate the validity of the complaint, if the officer determines that**

the complaint is valid, the officer will notify the owner or keeper of the animal in writing to correct the violation.

- (2) If the owner or keeper is found to be in violation of this section fail to correct the violation after five (5) business days of the notice, the animal shall be impounded and the owner or keeper shall be subject to the penalties for this chapter.

Sec. 4-5. Animal Noise.

No person shall keep or maintain a dog or any other animal that barks, howls or otherwise makes or causes noise in excessive, continuous or untimely fashion. Excessive shall mean noise that is discernable and can be heard inside a neighboring residential dwelling by persons of ordinary sensibilities. The court shall consider untimely fashion in individual cases and in general consider hours that persons are at rest.

Sec. 4-6. Dogs to be Kept Under Restraint.

All dogs shall be kept under restraint at all times by the owner. Each owner shall exercise proper care and control of any animals owned by him.

Sec. 4-7. Running at Large.

No person is permitted to allow any animal to run at large within the city. Any animal shall be deemed to be running at large when off or away from the premises of the owner, possessor or keeper or his agent or a member of his family, and not on a leash, cord or chain not more than sixteen feet (16') in length in the hands of the person immediately in charge of such animal.

Exempt from this chapter are a) those animals involved in an organized performance or training event and b) any animal used for law enforcement purposes by law enforcement officer.

Sec. 4-8. Impoundment of Animals.

- (a) The animal services office or other law enforcement agency shall take unrestrained and nuisance animals to the animal shelter for humane confinement.
- (b) Impounded animals shall be kept for a minimum of five (5) days before becoming the property of the animal shelter.
- (c) If any animal is identifiable by means of a tag, tattoo, microchip, or other means, the owner or keeper shall be notified by an impound notice conspicuously left upon the premises of the owner or keeper or by telephone

by animal services or contracted third party e.g. Shelter personnel, at the earliest practical time.

- (d) Any dog or cat being reclaimed from the animal shelter will be micro chipped. This is an invasive procedure by way of injection and shall be performed prior to the release of the animal.
- (e) Any dog or cat being reclaimed from the animal shelter which has not been spayed or neutered will be subject to an additional reclaim fee of \$200 for 1st offence and \$500 for subsequent offences within a calendar year unless the animal is spayed or neutered prior to reclaim, provided that any registered breeding animal that is impounded will be returned to the owner without being spayed or neutered.
- (f) The owner or keeper of an impounded animal shall pay all fees associated with the impoundment of the animal.
- (g) It shall be the animal services officer's discretion to return any animal in violation of this section to its owner or keeper, provided that the owner or keeper is present and is able to safely and humanely confine or restrain the animal.

Sec. 4-9. Penalties Regarding Impounded Animals

The owner or keeper in violation of this chapter may be subject to criminal prosecution, in addition to such fees paid for the release of the impounded animal.

Sec. 4-10. The City Declared a Bird Sanctuary Except Birds Constituting a Nuisance.

- (a) The territory within the corporate limits of the city is hereby designated a bird sanctuary and shall be unlawful for any person to kill, trap, hunt, shoot or attempt to shoot, willfully injure, or maim any bird or wild fowl or to rob any bird or wild fowl nests of their eggs.
- (b) Birds constituting a nuisance:
 - (1) Birds congregating in such numbers in a particular locality that they constitute a public nuisance or endanger the health of the public or damage property in the opinion of the proper health authorities of the city, such authorities shall meet with

representatives of the Audubon Society, Bird Club, Humane Society or any other such clubs that are found to exist in the city-after giving at least three (3) days notice of the time and place for the meeting to representatives of such clubs.

- (2) Feral or wild pigeons are deemed a public nuisance. It shall be unlawful for any person to feed wild or feral pigeons on any public property located within the city limits unless as part of an animal control effort to control bird population.
- (3) If no satisfactory alternative is found to abate such nuisance within thirty (30) calendar days-such birds may be destroyed in such numbers and manner deemed advisable by the health authorities under the supervision of the director of public safety.

Sec. 4-11. Limiting the Qwnership of Dogs and Cats within the City limits.

- (a) It shall be unlawful to own, keep, harbor, or maintain any more than five (5) dogs and/or cats over the age of four (4) months, in any combination thereof, on any property or lot within the City limits without first purchasing a Multiple Animal Permit.
- (b) Having been granted a permit does not preclude that individual or entity from having to license all dogs and cats for which the permit was granted.
- (c) Pet owners who are granted multiple animal permits may be subject to random inspections by the animal services officer. As a condition of receiving the multiple animal permit, the animal owner is granting permission to inspect all animals and the premises where animals are kept, to ensure that the animals are housed, cared for and maintained within the provisions of this chapter. Inspections are to be performed with prior notice to the owner and within the presence of said owner within 24 hours of notification. If the owner refuses permission for such inspection, then the permit or license may be revoked.
 - (1) *Approved inspection:* The owner/keeper shall provide current rabies vaccinations for all animals, current city license for all required animals, adequate shelter environment free of accumulated debris and waste, any tethering device shall be at least 10 ft. and have snap swivel or other similar device to prevent choking and tangling. Any other additional animals that may be added after the inspection must be approved in the same manner.

(2) Failed inspection: A failed inspection may be appealed to the Director of Public Safety within (10) working days. The animals may remain on the property until a decision has been reached.

(d) Violation of Ordinance. If the animal services officer believes, or finds a violation of this ordinance, the owner or keeper will be notified in writing. The owner or keeper must comply within ten (10) working days of written notice. If the owner or keeper is in non-compliance after ten (10) working days, the animal services office shall seize and impound the animal(s) in violation, and hold the animals until a court decision has been made.

Sec. 4-12. Prohibitions and Restrictions in Regard to Animals Permitted at Special Events.

(a) No owner or keeper shall permit any animal, restrained or not, to be in an area in which a special event is being held pursuant to a special event permit issued under this code, unless the event specifically authorizes the presence of animals.

(b) This section does not apply to guide, hearing, or service dogs or other dogs which have been trained to accompany a person with a disability while being accompanied by a disabled person, or to any dog or horse in the custody or control of a law enforcement officer while the officer is in the performance of official duties.

Sec. 4-13. Prohibited Animals.

(a) No person shall keep or maintain any wild animal or exotic pet within the city limits.

(b) No person shall keep or maintain any horse, donkey, mule, ass, swine, sheep, goats, cattle or any other livestock or grazing type animal within the city limits.

(c) No person shall keep or maintain any domesticated fowl to include but not limited to roosters, ducks, geese, turkeys, guineas, pheasant, emus, ostrich or any other domesticated fowl within the city limits.

(d) This section does not apply to zoological parks, performing animal acts, stable, or riding school, providing the same has applied for and was granted a license or permit.

(e) This section does not apply to those persons currently keeping or

maintaining any domesticated fowl or other animals that were not previously precluded by the Ordinance. Any person having such animal must register the animal before January 1, 2009.

Sec. 4-14. Raising or Keeping Domesticated Female Chickens Generally.

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

 - (1) No more than six (6) domesticated female chickens shall be kept or maintained on a single premise. It shall be unlawful to keep roosters or more than six (6) 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 which 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 located at least 50 feet from the nearest residence other than that of the owner.**

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 would be subject to ordinance revisions adopted by Council. Should Council amend the Ordinance to prevent domesticated female chickens or any other new conditions, such amendment would apply to current permits within thirty (30) days from the date of adoption of Council's revisions.

(c) Annual Permit. The annual permit to keep domesticated female chickens is personal 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 authorized 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 (30) days, the permit automatically shall terminate and become void. The issuance of a permit does not create a vested 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 (2) square feet per domesticated female chicken shall be provided for the chicken coop.

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

- (4) **The chicken coop and fenced enclosure must provide adequate ventilation and adequate sun, shade and must be constricted 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 (1) inch openings.**
 - (6) **All stored food for the domesticated female chickens must 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 for 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 having an expiration date of June 30, 2012. For permits issued for the fiscal year 2012-2013 and thereafter, the permit fee will be set by City Council in its adoption of the annual City budget and fee schedule.**

Sec. 4-15. Mistreatment of Animals.

- (a) **No person shall starve, beat, neglect, ill-treat, torture, overload, overdrive, overwork, cruelly kill, or inflict unnecessary pain upon any animal.**
- (b) **No person shall leave an animal unattended in, or tethered to a standing or parked motor vehicle in a manner that endangers the health and safety of the animal or motor vehicle in a manner that**

endangers the health and safety of the animal or safety of the animal or safety of any person.

- (c) If an animal services officer finds a violation of this section, the officer shall seize and impound the animal and leave written notice of impoundment in a conspicuous location about the premises. The animal will remain as evidence at the animal shelter pending the court's decision. If an owner or keeper is not found the animal will irrevocably become the property of the animal shelter after a five (5) day impound period.

Sec. 4-16. Humane Treatment Required.

- (a) No owner or keeper shall fail to provide clean fresh water, good wholesome food, adequate shelter and protection from the weather, veterinary care when needed to prevent suffering, and humane treatment. The owner or keeper must maintain a clean living environment free of accumulated waste and debris so that the animal can walk and lay down without coming into contact with any waste or debris.
- (b) Adequate shelter means the provision of and access to shelter that is safe and protects the animal from injury, sleet, rain, snow, hail, and the adverse effects of heat or cold, and physical suffering, and that is of a size sufficient for the animal to stand up and turn around.

For a dog confined outside, the term adequate shelter shall additionally mean that:

- (1) In winter months, the dog must have access to shelter with a roof, that has an entrance covered by a flexible wind-proofing material or self-closing door, that sits on a platform at least 4 inches off the ground and that contains dry bedding, which shall consist of an insulating material that does not retain moisture, such as straw, and is of a sufficient depth for the dog to burrow.
 - (2) In all other months, the dog must have access to a shelter shaded by trees, a roof, a tarp or tarp-like material.
- (c) Animals must be brought into a temperature controlled environment facility when the temperature is at or below 32 degrees Fahrenheit or when a heat advisory, wind chill warning, or tornado warning has been issued by local, state, or national authority, except when the dog

is in visual range of a competent adult who is outside with the dog.

- (d) No person shall crop a dog's ears or tail except a licensed veterinarian.
- (e) No person shall give away any live animal, fish, reptile or bird as a prize for, or an inducement to enter any contest, game or other competition for as an inducement to enter a place of amusement or as an incentive to enter into any business agreement whereby the offer was for a purpose of attracting trade.

Sec. 4-17. Abandoning Animals.

- (a) No owner or keeper shall abandon an animal.
- (b) If an animal is believed to be abandoned, a written notice must be placed in a conspicuous location about the property giving notice that the animal will be impounded if the owner or keeper does not contact the animal services office by the date and time indicated on the notice. The notice will remain in effect for a full 24-hour period.
- (c) If the animal has not been removed after 24 hours or if animal control has not been notified that the animal is being cared for, the animal services officer shall impound the animal at the animal shelter for a period of not less than five (5)-days.

Sec. 4-18. Animal Waste

An owner or keeper walking, exercising or otherwise having their animal outside the confines of their own property, whether public or private, shall carry a means to pick up and dispose of excreta deposited by his/her animal by way of, but not limited to, a scoop and a bag.

Sec. 4-19. Striking Animals with a Motor Vehicle.

Any person operating a motor vehicle, who strikes a domesticated animal shall stop and render any assistance as may be possible and immediately report the injury or death to the animal control officer or other law enforcement agency.

Sec. 4-20. Animal Fighting and Training.

- (a) No person shall instigate, cause to, attend, or permit any dog fight, cockfight, or any other fighting between animals or between animals and humans.
- (b) No person shall train, have equipment to, or permit the training of,

any animal to attack, fight or cause injury to any domestic animal or human on any property, public or private within the city limits. Examples of training include, but are not limited to:

- (1) Any activity designed to torment, badger or bait any animal, for purpose of encouraging animals to fight.
- (2) The use of any weights on the animal, on the animal's tethering device, or on any kind of pulling structure.
- (3) The use of any other animals for blood sport training.
- (4) Any other activity that the primary purpose is to train animals to be aggressive or vicious. This does not apply to animals of licensed security companies on patrol in a confined area or animals used for law enforcement purposes.

Sec. 4-21. Female Dogs and Cats in Heat.

Every female dog and cat in heat shall be confined in a secure enclosure so that the female cannot come into contact with another animal, except for planned breeding purposes.

Sec. 4-22. Rabies Control; Wearing of Rabies Vaccination Tag.

No owner or keeper shall allow any dog, cat or ferret over four (4) months of age on any premises within the City, unless the dog, cat or ferret has been vaccinated against rabies. The vaccination must be administered by a licensed veterinarian and the tag shall be securely attached to a collar or harness and be visible. The tag must match the dog, cat or ferret for which it was issued.

Sec. 4-23. Animal License Requirement.

- (a) All dogs and cats over four (4) months of age which have been within the city limits for 30 days or more must have a city license. (See fees listed below as "c".)
- (b) Any dog or cat that has been spayed/neutered is eligible for a "lifetime license". This license is valid for life of the animal for which it was issued.
 - (1) It shall be unlawful for any person to use an animal license for any other animal other than the animal it was issued to.
 - (2) Written application for a license shall be filed with the

city and must contain a copy of the rabies vaccination certificate with the name and address of the veterinarian who issued the certificate.

- (3) If requesting a license for a spayed/neutered animal, proof of alteration from a licensed veterinarian must be submitted with your application.
- (4) Charges for the license may be set from time to time by the City Council and a schedule of the fees shall be kept on file.
- (5) A duplicate copy of the license may be obtained for a fee.
- (6) Transfer of ownership requires a new license to be issued.
- (7) Failure to license your animal for longer than six (6) months could result in impoundment of the animal and/or prosecution.
- (8) Lifetime licenses still require annual replacement with proof of current rabies vaccinations.
- (9) Failure to replace lifetime license tag may result in revocation of license.

(c) Fees for Animal Licenses/Permits:

(1) Fees for License

Altered Animals:	\$ 6.00	Annually
(Owners over 60 years old)	\$ 5.00	Annually
Fertile Animals:	\$ 25.00	Annually
Altered Animal Lifetime:	\$ 40.00	
(Owners over 60 years old)	\$ 25.00	
Copy of issued tag:	\$ 3.00	
(Proof of ownership required)		

Sec. 4.24. Poisoning Animals.

It shall be unlawful to place substance or article which has in any manner been treated with any poisonous substance in any place accessible to human beings, birds, dogs, cats or other animals with the intent to harm or kill animals. This section, however, does not preclude the use of commercially sold rodent poisons when applied in accordance with the manufacturer's directions for such use or Licensed Exterminators using poison as a pest control program.

Sec. 4-25. Disposal of Dead Animals.

The bodies of dead animals shall be disposed of by the owner or keeper. The owner or keeper shall not allow under any circumstances, a dead animal to remain outdoors on his/her property for longer than twenty-four (24) hours unless buried.

Sec. 4-26. Restraining Animals

(a) Animals may be restrained as follows:

(1) Cable Trolley Systems –

To utilize a cable trolley system, the primary trolley runner line must be at least ten (10) feet in length between the two pulley stop points. The secondary line shall attach to the animal's properly fitting metal buckle-style collar or harness made of nylon or leather, no less than one inch in width and one inch or greater in diameter than the animal's neck or torso. It shall have a rolling trolley, which is freely moveable a distance of at least ten (10) feet on the primary trolley line with a spring/shock absorber attachment and swivels at both ends.

The trolley system shall allow the animal unrestricted body movement and utilization of the entire area designated by the trolley system. The trolley system must also allow the animal free access to food, water and adequate shelter.

The trolley system must be of appropriate configuration to prevent escape of the animal, entanglement with other objects, and confine the animal to the owner's property. The primary trolley line shall be used to restrain only one animal at a time.

No person shall restrain an animal outside of the range of a competent adult, also outside with the animal nor, in any case, by use of the Cable Trolley System for more than two hours in any continuous 12-hour period. The tether is connected to the animal with a buckle type collar or a body harness made of

nylon or leather; is not less than one inch in width and is one inch greater in diameter than the animal's neck or torso. The animal must be in visual range of the responsible party and the responsible party must be outside with the animal.

(2) **Pens or Secure Enclosures**

To utilize a pen or secure enclosure, the enclosure must be at least 100 square feet. A dog over eighty (80) pounds must be provided with an additional fifty (50) square feet. For each additional dog inside the enclosure, fifty (50) square feet of space for exercise must be added per dog.

- (b) All collars used to restrain an animal must be made of nylon, leather, or other durable material, and must be fitted so as to not cause injury to the animal or embed itself in the animal's neck. The use of chain, choke, pronged or pinch type collars as a primary collar is prohibited.

Sec. 4-27. Performing Animal Exhibits.

- (a) It shall be unlawful for any animal exhibit or circus to induce or encourage animals to perform through the use of chemical, mechanical, electrical, or manual devices in a manner that will cause or likely to cause harm to the animal.
- (b) All equipment used on performing animals shall fit properly and be in good working order.
- (c) Animal Services Officers may inspect any animal exhibit or circus to ensure compliance to this ordinance.
- (d) Failure to comply with this ordinance may result in the impoundment of the animal(s) and/or the issuance of citations.

Sec. 4-28. Dangerous or Vicious Animals.

- (a) No person shall own, keep, harbor or have charge of or in any way maintain within the city any animal which is vicious or dangerous as described in the definitions of this chapter, or that has attacked or injured any person or domesticated pet without intentional provocation, or in an aggressive or dangerous manner approaches any person or domesticated pet in an apparent attitude of attack, whether or not the attack is consummated or capable of being consummated. This section shall not apply to any animal that attacks any person or animal that is unlawfully upon its owner or keepers premises.
- (b) Any person witnessing an animal attacking a human being or

domesticated pet shall notify the animal services offices officer or other law enforcement agency authorized to enforce this chapter. Whenever the animal control office has determined that an animal has bitten or attacked a person, the animal services officer shall promptly notify the Department of Health and Environmental Control (DHEC) of the bite or attack and shall cooperate with the health department in its capture or impoundment, and the ten-day quarantine.

- (c) If the animal services officer has probable cause to believe that an animal has dangerous propensities or has attacked someone or a domesticated pet without intentional provocation, the animal services officer shall temporarily impound the animal pending trial on a violation of this ordinance. Within 48 hours, excluding weekends and holidays, the animal service officer must seek a determination of probable cause in the form of a judgement order from the court ofr the impoundment of the animal.**
- (d) All animals deemed vicious and/or dangerous will be registered at the office of animal services.**
- (e) If the owner or keeper cannot immediately be identified or found, the animal services officer shall leave written notice in a conspicuous place about the premises as to the conditions of the impoundment, where the animal is being held, and the officer who impounded the animal.**
- (f) Upon final determination of guilt of the owner or keeper by the court or if the owner or keeper pleads guilty or no contest to this code section, the animal services officer may release the animal for humane destruction if so ordered by the court that the dangerous animal represents a continuing threat of serious harm to human beings or domestic animals. If the court determines that the animal was vicious and dangerous in the particular incident, but does not pose a continuing threat to human beings or domestic animals, the animal may be released to the owner provided it is confined to the owner or keeper's premises in a securely enclosed fence or locked pen, kept indoors, or a combination of these confinements. The fenced area, locked pen, or premise must be clearly posted giving notice that a dangerous animal is kept on the property. The fenced area, locked pen, or premise must be designed to prevent the entry of the general public, including children, and to prevent the escape or release of the animal. The fenced area or pen must have all sides six (6) feet high or a secure top. If the fenced area or pen does not have a secure bottom, the sides must be embedded into the ground at least one (1) foot deep. In addition, a proof of liability insurance or surety bond of at least**

\$50,000 insuring or securing the owner for personal injuries inflicted by the dangerous animal. Failure to comply within three (3) days shall be cause for the temporary impoundment of the animal pending a show cause hearing.

- (g) This section does not apply to licensed security companies on patrol in a confined area or animals used for law enforcement purposes by law enforcement officers.**
- (h) Nothing in this chapter shall be construed to prevent the immediate destruction by an animal services officer or a police officer of any aggressive or dangerous animal when less drastic methods are not available or effective and when an animal services officer, a police officer or the animal's owner is unable to promptly and effectively restrain or control the animal so that it might be impounded.**

Sec. 4-29. Commercial Animal Establishment.

- (a) It shall be required that any and all commercial animal establishments have a license issued by the city to conduct business within the city limits.**
- (b) An application shall be submitted to the city , pay all applicable fees for a period of one year beginning with the date of issuance of the license, an inspection of said business will be conducted within thirty (30) days after issuance of the license by the animal services officer.**

Sec. 4-30. Inspection of Premises.

- (a) As a condition of the issuance of the license, the animal services officer is granted permission to inspect the establishment to ensure all animals meet the standards set forth in this chapter.**
- (b) If permission is not granted at time of inspection, the license and permit may be revoked.**
- (c) No person who has been found guilty of cruelty to animals or who has given false information on an application shall be issued a permit.**

Sec. 4-31. Revocation of Commercial Animal Establishment License

- (a) Any commercial animal establishment which fails to comply with the standards of this chapter or any laws governing the protection and humane treatment of animals may have their permit revoked.**
- (b) When any commercial animal establishment permit is revoked, all of**

the animals covered by the permit will become the property of the animal shelter and will be the sole discretion of the director of the animal shelter to place the animals for adoption or humanely euthanize the animals.

Sec. 4-32. Animal Breeders.

Any person or business entity that owns unaltered animals for the purposes of breeding must be registered. This shall be recorded when licenses are issued and will be subject to an additional charge.

Any registered breeding animal that is impounded will be returned to the owner without being spayed or neutered.

Sec. 4-33. Disposition of Feral or Dangerous Animals.

Any animal that is feral, wild or otherwise dangerous to the animal shelter staff and in the opinion of the animal services officer and the shelter manager, is dangerous to the safety and welfare of the animal shelter staff, to provide basic sustenance and shelter, the five (5) day period may be waived and the animal shall be humanely euthanized. Except for the following:

- (a) Any animal being held as evidence.**
- (b) Any animal taken pursuant to a search warrant.**
- (c) Any animal being held pending court disposition.**
- (d) Any animal held for quarantine.**

Sec. 4-34. Transportation of Animals.

No person driving a motor vehicle shall transport any animal in the open back of the vehicle in a space intended for any load on the vehicle on a highway unless the space is enclosed or has side and tail racks to an appropriate height, or is protected by a secured container or cage, in a manner which will prevent the animal from being thrown, falling, or jumping from the vehicle.

Sec. 4-35. Designated Penalties for Animal Control Ordinances.

Whenever a party is found guilty of any breach of these ordinances the Municipal Judge may, for each offence, sentence them to fines not exceeding (\$500) five hundred dollars or thirty (30) days imprisonment or both.



REQUEST FOR CITY COUNCIL ACTION

TO: Ed Memmott, City Manager

FROM: Martin Livingston, Neighborhood Services Director

SUBJECT: Approval of Fiscal Year 2018 – U.S. Department of Housing and Urban Development Community Development Block Grant (CDBG) and HOME Partnership Funds

DATE: April 9, 2018

BACKGROUND: The City of Spartanburg will receive an allocation of Community Development Block Grant (CDBG) and HOME Partnership Funds for eligible activities to be implemented within City limits. The U.S. Department of Housing and Urban Development (HUD) will provide the allocation to the City of Spartanburg. CDBG Funds can be used for a variety of activities including administration, affordable housing, infrastructure, economic development, demolition, subrecipient activities, and other eligible uses. HOME Partnership Funds can only be used for the development of affordable housing. The total estimated allocation for CDBG Funds is \$605,882 and the total allocation of HOME Partnership Funds is \$155,312. Staff is required by HUD to include language in the resolution to adjust CDBG and HOME funds should reductions or increases in funding allocations occur.

If the U.S. Department of Housing and Urban Development reduces or increases the overall allocation of Community Development Block Grant (CDBG) and Home Partnership Funds (HOME), each activity will be proportionally increased or decreased from the estimated funding levels to match actual allocation amounts.

If the U.S. Department of Housing and Urban Development allocation reduces the overall CDBG funds, then subrecipient activities will be proportionally reduce to meet the 15% CDBG subrecipient limit.

After a thirty (30) day comment period, the Annual Action Plan must be submitted to HUD by the June 15 deadline.

ACTION REQUESTED: Council approval of the CDBG and HOME allocation activities for submission to the U.S. Department of Housing and Urban Development.

BUDGET AND FINANCIAL DATA: CDBG Funds: \$605,882 and HOME Partnership Funds: \$155,312

**A RESOLUTION
ALLOCATING FY 2018
COMMUNITY DEVELOPMENT BLOCK GRANT
AND HOME PARTNERSHIP FUNDS**

WHEREAS, the City of Spartanburg (“City”) will receive a Community Development Block Grant (“CDBG”) and HOME Partnership Funds Grant for Fiscal Year 2018; and

WHEREAS, the funding of the CDBG and HOME Partnership Funds are provided by the U.S. Department of Housing and Urban Development (HUD) with an annual application; and

WHEREAS, City Council has considered the various needs and priorities for the use of these funds and has provided for public input on the use of these funds.

NOW, THEREFORE, BE IT RESOLVED BY the Mayor and Members of Council of the City of Spartanburg in Council assembled:

Section 1. Fiscal Year 2018 CDBG funds and Fiscal Year 2018 HOME funds are appropriated as follows:

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)

PROPOSED ACTIVITIES: July 1, 2018 to June 30, 2019

Neighborhood Services Administration	93,000
Neighborhood Training	10,000
Rehabilitation Admin + Code Admin	144,200
Removal of Blight/Citywide Demolition	125,000
Infrastructure Activity	159,450
Public Services/Subrecipients	74,232
Total CDBG Program Funding	\$605,882

HOME PARTNERSHIP FUNDS

PROPOSED ACTIVITIES: July 1, 2018 to June 30, 2019

Administrative	15,530
Home Projects	114,782
CHDO Set-Aside	25,000
Total Home Program Funding	\$155,312

Total Annual Action Plan Funding **\$761,194**

Section 2. If the U.S. Department of Housing and Urban Development reduces or increases the overall allocation of Community Development Block Grant (CDBG) and Home Partnership Funds (HOME), each activity, will be proportionally increased or decreased from the estimated funding levels to match actual allocation amounts, except for subrecipient activities.

Section 3. If the U.S. Department of Housing and Urban Development reduces the overall CDBG allocation, then subrecipient activities will proportionally be reduce to meet the 15% CDBG subrecipient limit.

Section 4. This Resolution adopted this _____ day of _____ 2018.

Junie White, Mayor

ATTEST:

Connie S. McIntyre
City Clerk

APPROVED AS TO FORM:

City Attorney



REQUEST FOR CITY COUNCIL ACTION

TO: Ed Memmott, City Manager
FROM: Tim Carter, Engineering Administrator
SUBJECT: Council Review of Proposed 2018 Road Resurfacing Program
DATE: April 3, 2018

BACKGROUND: Staff routinely monitors the condition of roads in the city. Many of the roads in the city are the responsibility of SCDOT. Problems with SCDOT roads are brought to the attention of SCDOT. Staff focuses its attention for resurfacing on streets that are the responsibility of the city.

City roads are assessed annually for resurfacing based on a scoring system required by Spartanburg County. Based on this rating process, the lowest (worst condition) scoring streets are recommended for resurfacing. To keep Council informed, it has been staff's practice to submit the list of streets selected for resurfacing to Council for its review. For FY18-19, staff is recommending the attached list of streets.

ACTION REQUESTED: Approval of the proposed FY18-19 Street Resurfacing Program for submission to Spartanburg County. If approved by Spartanburg County, staff will proceed with bid solicitation and will return to Council requesting contract award after bids are received.

BUDGET AND FINANCIAL DATA:

Specific costs have not yet been determined. Staff anticipated funding from:

Spartanburg County Transportation Committee - \$350,000

Spartanburg County Road Fee - \$ 540,000



MEMORANDUM

TO: Mayor and Members of City Council
FROM: Ed Memmott, City Manager
SUBJECT: City Attorney Position
DATE: April 3, 2018

As you are aware Larry Flynn agreed to serve as city attorney on an interim basis. Mr. Flynn's current contract will expire on June 30, 2018.

While Mr. Flynn has expressed a willingness to extend his contact for a few months if necessary, I am requesting that Council make its decision on whether it will hire a city attorney as an employee of the city or whether it will contract with an outside attorney.

Staff is prepared to support Council in whatever capacity that may be needed but encourages Council to make its decision on the relationship/structure it wants with the next City Attorney.



MEMORANDUM

TO: Mayor and Members of City Council
FROM: Chris Story, Assistant City Manager
SUBJECT: Hospitality Tax Grants Committee
DATE: April 4, 2018

Staff is requesting Mayor White appoint two Councilmembers to serve on the Hospitality Tax Grants Committee per the Council Resolution (copy attached) passed in 2016.

Additionally, staff is recommending appointment of Ms. MarcheLe Garrett to the committee to replace Stephen Mills who resigned. An application for Ms. Garrett is attached.

The Hospitality Tax Grants Committee is scheduled to meet on April 16 and 17 to consider grant requests.

RESOLUTION

TO ESTABLISH HOSPITALITY TAX GRANTS COMMITTEE

WHEREAS, in 2015 the City Council of the City of Spartanburg established an ad-hoc committee of Councilmembers to identify ways of improving the process by which discretionary grants are selected and awarded from Hospitality Tax funds; and

WHEREAS, the ad-hoc committee presented its findings in early 2016; and

WHEREAS, many of the committee's recommendations have been implemented administratively; and

WHEREAS, a component of the ad-hoc committee's recommendation is the establishment of a standing committee with duties as described below.

NOW THEREFORE, BE IT RESOLVED By the Mayor and Members of the Council of the City of Spartanburg in Council assembled:

Section 1. The City Council hereby establishes a Hospitality Tax Grants Committee charged with reviewing grant applications and annually presenting a recommended slate of grant allocations to the City Council, if any such allocations are considered.

Section 2. The Committee will be composed of seven members as follows.

- A. The Mayor will appoint two rotating members of City Council to one year terms on the committee.
- B. The Council will approve the appointment of five City residents to serve three year terms on the committee. The terms of the initial board will be staggered so that all members will not rotate off at the same time.

Section 4. Vacancies shall be filled by City Council by City policy as designated by City Resolution of June 9, 2003.

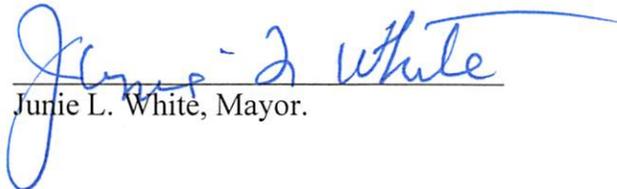
Section 5. This resolution supercedes any previous conflicting resolutions or policies regarding the administration of the Hospitality Tax fund.

Section 6. The Hospitality Tax Grants Committee may adopt additional rules, policies and procedures to assist the body in its function, provided such additional rules do not conflict with this Resolution, state law, federal law or any Ordinance of the City.

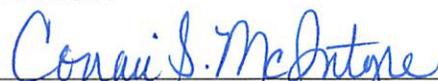
Section 7. This body shall be subject to the South Carolina Freedom of Information Act pursuant to § 30-4-100, et. seq., S.C. Code of Laws, which requires business be discussed in public including discussion of agenda items and voting. Executive or closed sessions shall only be permitted in accordance with the provisions of the Freedom of Information Act.

Section 8. Effective Date. This Resolution shall be effective upon adoption.

This Resolution adopted this 12 day of December, 2016.

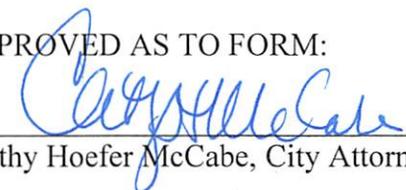

Junie L. White, Mayor.

ATTEST:



Connie S. McIntyre, City Clerk

APPROVED AS TO FORM:



Cathy Hoefer McCabe, City Attorney



City of spartanburg
SOUTH CAROLINA

Boards and Commissions Nominee Form

(Please print or type information)

BOARD/COMMITTEE: Hospitality Tax Committee

CITY RESIDENT: YES NO SEX: M F RACE: Black

NAME: Marchele Garrett

ADDRESS: 226 High Street Spartanburg, SC 29306
Street City, State, Zip Code

BUSINESS PHONE: 560-4018 HOME PHONE: 494-7604 EMAIL: cmgarrett@srhs.com

OCCUPATION: Diversity and Language Services Manager

EMPLOYER: Spartanburg Regional Healthcare System

OTHER VOLUNTEER OR CIVIC ACTIVITIES: Alpha Kappa Alpha Sorority, Inc.
Grace Cathedral Leadership, Jordan Partnership, Diversity
task force, CHAD

WHY ARE YOU INTERESTED IN SERVING ON THIS BOARD? Provide a diverse
perspective to the hospitality committee and bring
my skills to enhance the committee

RECOMMENDED BY: Mitch Kennedy

DO YOU PRESENTLY SERVE ON OTHER GOVERNMENTAL BOARDS OR COMMISSIONS?

YES NO IF YES, PLEASE LIST: _____

April 4, 2018
DATE

Return via MAIL or Email to:

Connie S. McIntyre, City Clerk
City of Spartanburg
PO Drawer 1749
Spartanburg, SC 29304
Email: cmcintyre@cityofspartanburg.org



City of spartanburg
SOUTH CAROLINA

Boards and Commissions Nominee Form

(Please print or type information)

BOARD/COMMITTEE: Spartanburg Housing Authority

CITY RESIDENT: YES NO SEX: M F RACE: black

NAME: Charmayne Brown

ADDRESS: 242 Southland Ave Boling Springs SC
Street City, State, Zip Code 29316

BUSINESS PHONE: 8644942883 HOME PHONE: _____ EMAIL: cbrown@rejoiceimg.com

OCCUPATION: Publisher / Journalist

EMPLOYER: Spartanburg Community College

OTHER VOLUNTEER OR CIVIC ACTIVITIES: _____

Young Citizen Scholars - Board member

WHY ARE YOU INTERESTED IN SERVING ON THIS BOARD? I have an interest in the betterment of my community. It's my desire to see everyone excel in all stages of life.

RECOMMENDED BY: Public housing/affordable housing is one of the most beneficial accommodations available to the impoverished, disabled and seniors.

DO YOU PRESENTLY SERVE ON OTHER GOVERNMENTAL BOARDS OR COMMISSIONS? YES NO IF YES, PLEASE LIST: _____

I'd like to take part in the efforts for the best outcomes.
Charmayne Brown DATE March 29 2018

Return via MAIL or Email to:

Connie S. McIntyre, City Clerk
City of Spartanburg
PO Drawer 1749
Spartanburg, SC 29304
Email: cmcintyre@cityofspartanburg.org