

MINUTES
PUBLIC SERVICES & DEVELOPMENT COMMITTEE
APRIL 19, 2023
250 NORTH WALNUT STREET
WINNSBORO, SC 29180
5:00PM

Members Present: Dan Ruff (Chair), Tim Roseborough,
Peggy Swearingen

Others Present: Laura Johnson (Interim Administrator), Bob Innis
(Director Animal Control), Chris Childers (Sheriff's
Office)

I. Call To Order

Mr. Roseborough called the meeting to order at 5:02pm.

II. Invocation

Invocation was led by Councilwoman Swearingen.

III. Approval of Agenda

Motion made by Councilman Roseborough, seconded by Councilwoman Swearingen to approve the agenda. ***The motion carried 3-0.***

IV. Ordinance Change Discussion/Recommendations

A. Ordinance No. 810: An Ordinance to Amend and Restate Ordinance No. 737 to Establish the Rules and Regulations Pertaining to Animal Control in Fairfield County and Revise Chapter 4, Animals, of the Code of Ordinances, Fairfield County, South Carolina.

Mrs. Johnson said about a month prior a citizen in the Lake Wateree area was jogging and was attacked by two dogs and required over 200 stitches. The owner signed paperwork for the dogs to be euthanized. Several years ago, a young man was walking on the sidewalk at Mack Truck and two dogs unleashed with their owner attacked him. The owner wanted to keep the dogs and it was ruled that he could as long as he moved them out of the county, despite a professional evaluator deeming the dogs dangerous. Incidents as such invoked conversations regarding Section 4-2C, which states that any animal that attacks a person must go before the magistrate court to decide if the animal was to be euthanized or returned to the owner.

Officer Childers said he contacted Janelle Gregory (Director of SC Humane Society). She directed him to the State statute Section 47-3-

760C that stated a dangerous animal may be ordered destroyed when the court's judged the dangerous animal represented a continual threat of serious harm to humans and other animals. They thought it showed the intent for due process prior to any destruction of an animal based on their behavior. She also referred to sections that defined a dangerous animal (47-3-710) and 47-3-730 allowed an owner to keep a dangerous animal showing that the legislature intended that not all dangerous animals should be destroyed. Section 47-3-750 (the seizure and impoundment of dangerous animals) showed the legislature's intent to create a process for animals suspected of being dangerous to be seized and impounded. It did not authorize unilateral euthanasia of an animal if an animal control officer deemed it dangerous. Section 47-3-760E stated the registration of dangerous animals by their owner could intend that some dangerous animals were allowed in certain circumstances. Even if a dog was deemed dangerous and the court agreed, if the court allowed the owner to continue ownership he/she would have to register the animal in that county. He said Ms. Gregory told him that there was a Kershaw County ordinance Section C stated that such an animal should not be euthanized unless the owner has surrendered the animal to the animal shelter and completed and signed a surrender form or until a hearing was held before an appropriate magistrate and the magistrate determined that the animal should be euthanized. He believed if the owner surrendered the animal and gave up all rights, then the animal shelter could do what needed to be done. In other cases, he felt they would be in violation of state law if they decided to euthanize a dog based on an animal control officers opinion. He thought there should be an appropriate evaluation by someone trained in that area, carry his/her opinion before a judge and let the judge decide. He felt that would keep them in compliance with state law and help them to avoid liability if the owner was awarded possession of the animal.

Mrs. Johnson said one her issues with the incident that happened a few years ago was that the owner was given the option to keep the dog as long as he moved them out of the county. Her concern was the probability of putting others at risk.

Officer Childers said he worked that case and was disappointed with the outcome. Their legislatures gave the judge a way to handle it in Section 47-3-730 by stating the owner could keep the dangerous dog but with stipulations – concrete pad, high fence, etc. If it was not followed, they could go back to the judge.

Mr. Innis said he, too, was disappointed in the outcome of the incident that happened a few years ago.

Mr. Ruff said he hated to see a problem pushed to another county. He suggested looking at other ordinances in other counties.

Mrs. Swearingen asked if the only thing they could do was let the judge decide – would it be considered breaking the law if they did not let the judge decide. Officer Childers said yes, according to state law. He said if they as a County decided the dog was dangerous and they were going to put it down and the court decided differently (as with the Mack Truck incident) the County would be liable. Mrs. Swearingen asked if the owner surrendered the animal, could it then be euthanized without liability and he said yes ma'am. She asked if the animal bit someone and the owner would not surrender, would it then go to court and he said yes. Mrs. Swearingen said either the owner gives the animal up and they were euthanized or they could not do anything with them. Mrs. Johnson said yes – if the owner surrendered the animal, the County could euthanize (if they chose) or the case would go before a judge and the county would have to care for the animal until the judge made a decision. If the owner took possession of the animal, he/she would have to pay the county for the care of the animal.

Mrs. Johnson said a request was made from a citizen to review an animal control ordinance from the City of Aiken. She said she would have Mr. Innis speak on recommendations, if any, based on that ordinance.

Mr. Innis said he reviewed the recommendations and some of them would be good for the county once they were in position to enforce them. He pointed out that it was a city ordinance not a county ordinance and it was not the same as the Aiken County ordinance. In the city of Aiken, their animals were picked up and taken to the ASPCA and the city pays an annual fee to the County. It was completely different from what they did in Fairfield County. In the City of Aiken's ordinance, it stated every animal should be fixed and registered. He thought it was a great idea but did not feel Fairfield County was in that position. There was no need to add more laws to their ordinance if they could not enforce them. He said Aiken County had 6 animal control officers, 12 full time staff and 15 part-time staff. Fairfield had 3 full time staff (a director, 2 animal control officer – and a secretary). They had 2 positions open since July of 2022 that remained vacant. His office would not be able to enforce ordinance if they included the City of Aiken's laws. The City of Aiken paid the Aiken County (when they first started) \$120/dog. He asked Winnsboro's contribution to the County animal control. They had been understaffed for the past 2 years – they had to let their temporary staff go. They struggle with overcrowding because they did not have a proper facility.

They could begin with that and build from there. There was no need to change an ordinance if it could not be enforced. They needed stronger laws – the animals needed to be fixed, chipped and the breeding needed to stop but there needed to be a plan in place from the bottom up and then tighter laws could be enforced. Fairfield needed to invest in the department. He had 20 court case dogs that he could do nothing with until their cases were heard, which could be a year. Mrs.

Swearingen asked if he said the animals across the street from the shelter were awaiting court dates and he said that area was built for 22 dogs and they had 18 that were waiting for court dates. She asked if they all attacked someone and he said no they were cases of neglect/animal cruelty. One case was about 6 months away and the other about one year. She said they needed tougher laws for those people and Mr. Childers said he thought the laws were good but the process to get the cases through the system took time. She asked if they could fine those offenders for immediate pay and he said no ma'am, they would have to abide by state statute. She asked how much they would have to pay and he said it was at the discretion of the judge.

Mrs. Johnson asked Mr. Innis to talk about the conversation he had with the Aiken County representative regarding the amount of staff they had and their ability to enforce the suggested laws. Mr. Innis said he spoke to the Director and was told they would never be able to enforce the laws even with the amount of staff they had. He said they contracted with the ASPCA and sent their animals to them and it would be a good idea for Fairfield to do the same. Richland County was the only county that enforced their laws – they had a huge animal control budget. Aiken County's animal control budget was over \$1 million. In order for Fairfield to implement the proposed, they would need much more staff, a new facility, and a veterinarian (they currently had one that worked 3 hours/week). Aiken employed a vet for 30 hours/week. Fairfield needed to invest in their animal control department. They needed a vet who would operate 5 days/week or build a facility a employ a vet to work in it.

Mrs. Swearingen asked if staffing was an issue due to pay. He restated the positions that were open since July 2022 and the temp service he had to discontinue. It was not a cost saver because the work still had to be done and the full time staff was doing it, which meant they did not get much time off. Mrs. Swearingen asked who had him discontinue the temps and he said previous Council. Mrs. Johnson said although she was not there during that time, records revealed that some temp and full time positions were frozen and had not been filled. Mrs. Swearingen asked how many temps he needed and he said he

asked for one temp and no full time in the current budget. He said currently there were 3 animal control officers to cover 710 square miles – 2 officers and himself and he was supposed to do his job as the director. Changes could/should be made but if they could not be implemented and enforced then it was pointless. He said they moved the County forward in 7 years – from bringing in \$6,000/year and a euthanasia number about 65% to bringing in about \$280,000. None of that money was put back into the department. He spent \$34,000 trying to make improvements and all of it came from donations. Mr. Roseborough asked if them being a “no-kill” shelter contributed to the overcrowding – did they have dogs that had been in the shelter for 3 or more years and he said no. They recently euthanized some animals that were dangerous/not adoptable. All of the dogs currently in the shelter were perfectly good adoptable dogs. Mr. Roseborough asked if Council voted for the department to have a “no-kill” shelter and he said it went before the Council (with Jason Taylor and Davis Anderson in 2016 or 2017). Mr. Roseborough asked if the Council voted for a “no-kill” shelter and Mr. Innis said yes, for as much as he was aware.

Mr. Ruff asked what was the longest kept animal currently at the shelter and he said probably seven months. He asked what was the longest kept animal since he had been there and Mr. Innis said probably 12 months.

Mr. Ruff noted the time. Mrs. Johnson said they could consider the information shared in the meeting and possibly have recommendations at the next meeting. Mr. Ruff suggested the next meeting be on April 24th at 5p – they agreed. He thanked Mr. Innis and Officer Childers for attending.

V. ADJOURN

At 5:49pm, Councilman Roseborough made a motion to adjourn, seconded by Councilwoman Swearingen. ***The motion carried 3-0.***

Kim W. Roberts, Ed. D.
Clerk to Council

Doug Pauley
Chairman