

COUNTY OF PICKENS AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF LIBERTY,
SOUTH CAROLINA, PROVIDING FOR ANIMAL CARE

BE IT ORDERED AND ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF LIBERTY, SOUTH CAROLINA, IN COUNCIL DULY ASSEMBLED, AS FOLLOWS:

WHEREAS, it is the desire of the City of Liberty to foster a responsible and humane environment for animals and outline regulations governing the care and maintenance of animals within the city limits of Liberty:

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF LIBERTY amends Chapter 5 – section 5-1 to read:

Sec. 5-1. Restrictions on animals.

1. It shall be unlawful for any person to allow any domestic animal or fowl to run at large.

2. Possession of livestock

- A. No person, without a permit, shall keep or be permitted to keep on his premises any animal defined as livestock for sale, hire, slaughter or other food source, competition, display or for exhibition purposes whether gratuitously or for a fee unless otherwise allowed by applicable zoning. This section shall not be construed to apply to zoological parks, equestrian parks, performing animal exhibitions, circuses, licensed pet stores or farm supply stores, the raising or keeping of domesticated female chickens, or animals in a legally permitted parade.
- B. For the purpose of this section, livestock shall be construed to include cattle, horses, mules, asses, swine, potbelly pigs, sheep and goats, roosters, turkeys, ducks, guineas, pheasants, pigeons or other domestic fowl.
- C. This section does not apply to livestock that was present upon property when it was annexed into the city. However, upon permanent removal of the existing livestock, no additional livestock may be placed upon the property unless otherwise allowed by applicable law.
- D. Livestock shall be enclosed with adequate fences or barriers that will prevent such livestock from damaging adjacent property. Such fences or barriers shall be sufficient to prevent the livestock from escaping the enclosure. Livestock enclosures shall be 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.

- E. It shall be unlawful for an owner to allow any livestock to run at large within the corporate limits of the city. To ensure the public safety and avoid serious traffic accidents, any livestock that is in danger of getting on a public roadway can be tranquilized if possible, or in extreme cases destroyed, by police or animal control officers. The city and its officers will not be held liable for damages to the owner of said livestock.
- F. It shall be unlawful to keep livestock on premises within the city without first obtaining a permit. Any permit would be subject to ordinance revisions adopted by council. Should council amend the ordinance to prevent livestock or any other new conditions, such amendment would apply to current permits within 30 days from the date of adoption of council's revisions.
- G. **Permit.** The permit to keep livestock is personal to the permittee and may not be assigned. In addition, the permit authorizes the keeping of livestock only upon the property described in the permit. The permittee must occupy the residence on the property where the livestock 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 30 days, the permit automatically shall terminate and become void.

A permit that is issued to a person whose property is subject to private restrictions that prohibit the keeping of livestock is void. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.

- H. **Application for permit.** Every applicant for a permit to keep livestock 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 livestock 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.

Penalty. A violation of this section shall be punishable by a fine of \$100.00 or 30 days in jail or both together with court costs.

3. Raising or keeping of domestic female chickens.

- I. 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 domesticated female chickens shall be kept or maintained on a single premises. It shall be unlawful to keep roosters or more than six domesticated female

chickens. It shall be unlawful to keep or maintain domesticated female chickens at a duplex or apartment complex.

2. Such domesticated female chickens must be confined in a coop which is fully enclosed and made of suitable, washable material. The coop shall be cleaned regularly with all droppings and excretions placed in a fly-proof container unless otherwise disposed of in accordance with any federal, state or local health regulations.

The chicken coop must be located at least 50 feet from the nearest residence other than that of the owner.

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 raise domesticated female chickens for commercial purposes within the corporate limits of the city.
4. It shall be unlawful to keep domesticated female chickens on premises within the city without first obtaining a permit. Any 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 30 days from the date of adoption of council's revisions.

- J. *Permit.*** The permit to keep domesticated female chickens is personal to the permittee and may not be assigned. In addition, the permit authorizes the keeping of domesticated female chickens only upon the property described in the permit. The permittee must occupy the residence on the property where the domesticated female chickens are kept as the permittee's personal, primary residence. An applicant for a permit must either own the property or have permission from the property owner to be eligible for a permit. Only one permit is allowed per permittee. In the event the permittee is absent from the property for longer than 30 days, the permit automatically shall terminate and become void.

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.

K. *Fenced chicken coop.*

1. Domesticated female chickens must be kept in a fenced enclosure at all times. In addition to the fenced enclosure, domesticated female chickens shall be provided with a covered, predator-resistant chicken coop.
2. A minimum of two square feet per domesticated female chicken shall be provided for the chicken coop.
3. Fenced enclosures and chicken coops must be properly ventilated, 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 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.

L. *Application for permit.* Every applicant for a permit to keep domesticated female chickens shall:

4. Complete and file an application on a form prescribed by the city.
5. The city shall issue a permit if the applicant has demonstrated compliance with the criteria and standards in this section.
6. 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.

M. *Penalty.* A violation of this section shall be punishable by a fine of \$100.00 or 30 days in jail or both together with court costs.


4. Honey Bees, including offsite or online sale of honey (excluding beekeepers selling bees, queens, nuclei, etc.)

A. Conditional Use Standards

1. The keeping of honey bees may be permitted as an accessory use of a pre-existing single-family residential use provided:
 - a. An annual beekeeping permit from the City shall be required for all beekeepers.
 - b. The beekeeper shall live on the premise where bees are kept. Should the beekeeper move off premise, the colonies shall be removed.
 - c. All beekeepers and managed colonies shall adhere to all state inspection laws, and shall maintain apiaries that are inspectable by the South Carolina Department of Plant Industry (DPI) Apiculture Program.
 - d. There shall be a maximum of five colonies, each with one queen.
 - e. All managed colonies shall be kept in visually pleasing painted hives with removable frames, which shall be kept in sound and useable condition and 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.
 - f. No beekeeping equipment shall be placed in the front of the front building line(s), and shall be situated at least 15 feet from all property lines. No

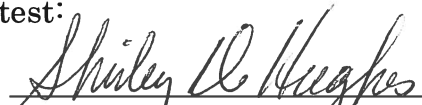
managed colony shall be within 40 feet of any main building on an adjacent lot.

- g. A flyway barrier at least 6 feet in height consisting of a solid wall, fence, dense vegetation or combination thereof shall be installed parallel to the property line. The barrier shall extend 10 feet beyond the colony in each direction.
- h. Each beekeeper shall ensure that a convenient source of fresh water is available and unobstructed within 20 feet of the bees at all times.
- i. All colonies shall be maintained with queens selected from European stock bred for gentleness and non-swarmer characteristics. If a hive exhibits unusual defensive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition towards swarming, the beekeeper shall promptly re-queen the colony. Africanized honey bees or any hybrid involving the African species shall be prohibited.
- j. The hives of bees may not be manipulated between the hours of sunset and sunrise unless the hives are being moved to or from another location.
- k. Bee colonies shall be managed with proper Integrated Pest Management (IPM) techniques to prevent invitation of pests and/or animals into the apiary. Each beekeeper shall ensure that no bee comb or other materials that might encourage robbing are left upon the grounds of the apiary site. Upon their removal from the hive, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.
- l. Swarm management techniques shall be implemented, including but not limited to required colony splitting and the removal of swarm cells to help prevent feral honeybee colonies.



Brian Petersen, Mayor

Attest:



Shirley Hughes, City Clerk

1st reading: 2/12/2018

2nd reading: 2/26/2018