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CONNIE L. SCHROYER
CLERK TO COUNCIL

AGENDA
GOVERNMENTAL COMMITTEE
Monday, January 28, 2019
4:00 p.m.
Executive Conference Room, Administration Building
Beaufort County Government Robert Smalls Complex
100 Ribaut Road, Beaufort

Governmental Committee Members:
Paul Sommerville, Chairman
Mark Lawson, Vice Chairman
Brian Flewelling
Alice Howard
Lawrence McElynn

Staff Support:
Phil Foot, Assistant County Administrator
Public Safety

1. CALL TO ORDER – **4:00 P.M.**

2. APPROVAL OF AGENDA

3. CITIZEN COMMENTS

4. UPDATE / PUBLIC SAFETY DIVISION – *Phil Foot*

5. TEXT AMENDMENTS TO THE BEAUFORT COUNTY CODE OF ORDINANCES / CHAPTER 14: ANIMALS - *Tallulah Trice, Chris Inglese* (backup)

6. PURCHASE OF PUBLIC HEALTH INSECTICIDE FOR MOSQUITO CONTROL / $89,698.60 - *Dave Thomas, Gregg Hunt* (backup)

7. DISCUSSION / POSSIBLE SALE OF THE BOB JONES PARK TO TRINITY SCHOOL *Phil Foot, Tom Keaveny*

8. CONSIDERATION OF APPOINTMENTS AND REAPPOINTMENTS (backup)
   A. Burton Fire District Commission / (1) vacancy
   B. Construction Adjustments and Appeals Board / (2) reappointments, (2) vacancies
   C. Daufuskie Island Fire Protection Board / (1) reappointment, (1) vacancy

9. ADJOURNMENT

The County Channel

BEAUFORT COUNTY COUNCIL

Agenda Item Summary

Item Title:

Proposed Amendments to Animal Ordinances Chapter 14

Council Committee:

Governmental Committee

Meeting Date:

January 28, 2019

Committee Presenter (Name and Title):

Chris Inglese, County Attorney and Tallulah Trice, Animal Services Director

Issues for Consideration:

Proposing to seek approval from council to the amendments made to Chapter 14: ANIMALS

Points to Consider:

Key changes are outlined in executive summary attachment.

Funding & Liability Factors:

N/A

Council Options:

Seeking committee approval to move on to full council for vote.

Recommendation:

For committee to approve latest draft of the Animal Ordinances.

COUNTY COUNCIL OF BEAUFORT COUNTY

Public Safety Division

To: Councilman Paul Somerville, Chairman, Governmental Committee, and members.

From: Beaufort County Animal Services

Subject: The Proposed Changes to Chapter 14- ANIMALS

Date: 1/28/2019

Executive Summary:

Beaufort County Animal Services (BCAS) is submitting this proposal seeking Council's approval of the changes made to Chapter 14: ANIMALS. The revised ordinances will help BCAS make Beaufort County a safer place for its residents and pets.

The key changes are as follows:

14-27: Muzzle is now defined as a guard, typically made of straps or wire, fitted over part of an animal's face to stop it from biting or feeding. Key definitions have been clarified for: infraction, kennel, muzzle, Pit Bull, serious injury, shelter, and tethering.

14-29 (d): County license and fees: The director of BCAS will establish a fee schedule subject to approval by County Council.

14-30: Restricted breeds- definition of PitBull is clarified to expressly include American Bully, American Bulldog and Cane Corso, all of which are relatively new mixed breeds of Pit bull. This section reduced the days to comply with spay/neuter requirements from 30 days to 10 days to align with the time provided for an appeal of the breed determinations.

14-32: Dangerous Dog. Added that a magistrate may deem a dog dangerous in cases where a serious injury occurred to a human other than the owner, regardless of provocation or location. Expanding the ability for magistrates to deem a dog dangerous will protect the public from dogs that are dangerous but do not fit neatly into the existing categories.

Note: Cases are sometimes unclear as to whether the animal was provoked (for example the case of the blind dog, or the child). These cases occurred in the animal's normal place of confinement, with unclarity about provocation but resulted in serious bodily harm to a human.

14-32 (b)(2): Dangerous Dog. The Animal Services Officers may take temporary possession of an animal initially determined to be dangerous in cases where a human or other

animal has been injured, until final hearing before a Magistrate judge.

Note: Currently Animal Services Officers need to obtain a pick up order to temporarily gain custody of an alleged dangerous dog, unnecessarily burdening the court and staff.

14-34 (d): Includes what classifies a pet as a nuisance.

14-35 (f): Animals cannot be tethered during named Tropical Storms and named Hurricanes.

14-38 (f): Only government agencies and organizations that are "contracted" with government agencies can perform animal control services have authority to impound animals. All stray animals must be taken to shelter or affiliated organizations.

14-47(d): Provides that a magistrate has the authority to order possession and custody of an animal to BCAS when a person is in violation of the ordinance.

14-47 (f): Administrative citations and penalties. Ordinance proposes to include a process for administrative citations and penalties. Violations subject to administrative citations and penalties include but are not limited to: mandatory dog licenses/registrations, mandatory rabies vaccinations, permitting a dog to run at large, mandatory spay/neuter, and warnings for a noisy public nuisance animal.

Note: Administrative citations are for non-criminal charges. Certain violations should be handled administratively instead of as criminal charges in the Magistrate Court. We estimate reducing the animal court docket by 50%-60%. Ordinances now include fees for administrative penalities.

ORDINANCE 2019 / ___

TEXT AMENDMENT TO THE BEAUFORT COUNTY CODE OF ORDINANCES, CHAPTER 14: ANIMALS

WHEREAS, added text is highlighted in yellow and deleted text is struck through.

Adopted this ____ day of _____ 2019.

COUNTY COUNCIL OF BEAUFORT COUNTY

By: _____
Stewart H. Rodman, Chairman

APPROVED AS TO FORM:

_____
Thomas J. Keaveny, II, County Attorney

ATTEST:

_____
Connie L. Schroyer, Clerk to Council

First Reading:
Second Reading:
Public Hearing:
Third and Final Reading:

Chapter 14 - ANIMALS[1]

Footnotes:

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Cross reference— Environment, ch. 38; health and sanitation, ch. 46; agricultural use regulations, § 106-1156 et seq.

ARTICLE I. - IN GENERAL

Secs. 14-1—14-25. - Reserved.

ARTICLE II. - ANIMAL CONTROL[2]

Footnotes:

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Editor's note— Ord. No. 2015/27 , adopted Oct. 12, 2015, amended art. II in its entirety to read as herein set out. Former art. II pertained to the same subject matter, consisted of §§ 14-26—14-37, and derived from Ord. No. 2010/7, adopted Apr. 26, 2010 ; Ord. No. 2010/27, adopted Nov. 8, 2012 ; Ord. No. 2015/18, adopted Jun. 23, 2015 ; Ord. No. 2015/23, adopted Aug. 10, 2015 ; and Ord. No. 2015/26, adopted Sept. 28, 2015 .

Sec. 14-26. - Authority for and enactment of chapter.

Sec. 14-26. - Authority for and enactment of chapter.

This article is hereby authorized by S.C. Code 1976, § 47-3-20, as amended. (Ord. No. 2015-27, 10-12-2015)

Sec. 14-27. - Definitions.

Whenever used in this chapter, unless a contrary intention is clearly evidenced, the following terms shall be interpreted as herein defined.

Abandonment shall mean to desert, forsake, or intend to give up absolutely a pet or livestock without securing another owner or without providing for adequate food, water, shelter, and care. An animal is considered abandoned when it has been left unattended for 24 hours.

Animal shall mean a live vertebrate creature except a human being.

Animal services director means any person so appointed by the county administrator.

Animal services facility shall mean any facility so designated by the county council.

Animal services officer shall mean any person employed by the county as an enforcement officer of the provisions of this chapter.

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BCAS shall mean Beaufort County Animal Services, any place or premises designated by Beaufort County Council for the purpose of impounding, care, adoption, or euthanasia of dogs and cats held under the authority of this chapter.

Breeder shall mean any person owning unaltered pets with the intent of selling pets' offspring.

Domestic shall mean any animal which shares the genetic makeup and/or physical appearance of its ancestors, which were historically domesticated for human companionship and service.

Dub shall mean to trim or remove.

Feral shall mean any animal that was domesticated at one time, but now lives in the wild or a controlled colony, or that have been born in the wild and have not been domesticated.

Infraction shall mean a breach, violation, or infringement of this chapter for which the only sentence authorized is a fine and which violation is expressly designated as an infraction. Infractions are intended to carry a civil penalty without the possibility of jail and thus are non-criminal in nature.

Kennel shall mean a small shelter for a dog, cat or other animal.

Livestock shall mean all classes and breed of animals, domesticated or feral, raised for use, sale or display.

Muzzle shall mean a guard, typically made of straps or wire, fitted over part of an animal's face to stop it from biting or feeding.

Non-domestic shall mean any animal which shares the genetic makeup and/or physical appearance of its ancestors, which were not historically domesticated for human companionship and service.

Nuisance shall mean a pet or livestock that disturbs the rights of, threatens the safety of, or damages a member of the general public, or interferes with the ordinary use and enjoyment of their property.

Owner shall mean any person who:

1. Has a property right in an animal;

2. Keeps or harbors an animal or who has it in his or her care or acts as its custodian; or

3. Permits an animal to remain on or about any premises occupied by him or her for three or more days.

Pet shall mean any animal which may be legally held as a pet by a private citizen without special permit or permission; i.e., dog (canis familiaris) and/or a domestic cat (felis catus domesticus).

Pit Bull shall mean any dog that is an American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, American Bulldog, American Bully, Cane Corso, or any dog that exhibits physical characteristics which predominantly conform to the standards established by the American

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Kennel Club (AKC), United Kennel Club (UKC), or American Dog Breeders Association (ADBA) for any of the above breeds.

Serious injury shall mean death or any physical injury that results in severe bruising, muscle tears, or skin lacerations requiring sutures or other professional medical treatment or requires corrective or cosmetic surgery.

Shelter shall mean a structure made of durable material with 4 walls, a roof and floor, that allows retention of body heat and is of suitable size to accommodate the animal and will reasonably be expected to protect the animal from physical suffering or impairment of health due to exposure to the elements or adverse weather.

Tethering shall mean a chain, rope, leash, cable, or other device that attaches the pet via a collar or harness to a single stationary point.

Strict voice control shall mean demonstrable control or governance of the behavior of any animal as if such animal were controlled by a leash. However, when an animal destroys or damages any property, attacks, threatens to attack, or interferes with any person in any manner, becomes a nuisance, or strays onto the private property of another, there shall be a presumption of law that the animal was not under strict voice control.

Unaltered shall mean a pet which has not been spayed or neutered.

Under restraint shall mean when any pet that is off the property of the owner is controlled by a leash; is within the property limits of its owner and is confined by fence, chain, or other appropriate measure; or confined by fence, chain, or other appropriate measure within the property of another with permission of the person in control of the property.

(Ord. No. 2015/27, 10-12-2015)

Cross reference— Definitions generally, § 1-2. **Sec. 14-28. - County pet license; rabies vaccination tags.**

It shall be unlawful for the owner of any pet to fail to provide any pet over four months of age with a current county annual or lifetime license. The owner of any pet over four (4) months of age must also have a current rabies vaccination tag securely attached to a collar or harness and be visible as proof the pet has been vaccinated by a licensed veterinarian. No county license will be issued unless proof of rabies inoculation is shown. Any pet owner who moves into the county for the purpose of establishing residency shall have 30 days in which to obtain the license.

(Ord. No. 2015/27, 10-12-2015)

Sec. 14-29. - Lifetime/annual pet license issuance, fees and exemptions.

(a) Eligibility. The owner of a pet after being spayed/neutered and permanently identified, may apply to BCAS for a lifetime license; the lifetime pet license is only for Beaufort County, South Carolina.

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(b) Permanent identification requirement. A person applying for an annual license or lifetime license shall choose either a tattoo, a BCAS approved tag, or implantation of a microchip as the means of permanent identification for the pet. Lifetime licenses are transferable to new owners, upon the new owner completing a new BCAS pet license application, permanent identification form and when applicable, a new registration with the micro-chipping company. For permanent identification of restricted breeds, see Section 14-30.

(c) Pets previously microchipped. If a person has previously had a microchip implanted for his/her pet and seeks to obtain a lifetime license for the pet, the applicant shall:

(1) Obtain and complete both a lifetime license application and a verification of permanent identification form as prescribed by BCAS.

(2) Have a licensed veterinarian or shelter employee scan the pet to assure the microchip has been properly implanted and to obtain the identifying number of the microchip.

(3) The pet owner and the licensed veterinarian shall complete, date, and sign the verification of a permanent identification form for the pet in which the microchip was scanned. The verification of permanent identification form must set forth the identifying number of the microchip scanned, identify the pet by breed and delineate the age, sex, color, and markings and whether it has been spayed or neutered. In addition, it must contain the name, address, and phone number of the pet's owner and the name, business address, and phone number of the person scanning the microchip number. If a veterinarian is involved, the veterinarian shall set forth his/her veterinary practice license number on the verification of permanent identification form.

(d) County license and fees.

The Director of BCAS shall establish a fee schedule subject to the approval of County Council.

All pet owners of dogs and cats in Beaufort County shall obtain either a lifetime or annual pet license.

Lifetime pet license. To be eligible for a lifetime pet license a pet shall:

(1) Be spayed or neutered

(2) Microchipped

(3) Pay the appropriate one-time fee per the published fee schedule.

Annual Pet license. All other pets shall be subject to an annual pet license and annual fee, except that the following exemptions may be eligible for a lifetime license:

(1) Any owner of a pet who can furnish a statement from a licensed veterinarian that the pet, due to health reasons, could not withstand spay/neuter surgery may receive a lifetime license.

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(2) Any owner of a dog that is currently being used for hunting purposes. Owner must provide a copy of a valid South Carolina hunting license by the proper state agency and proof that the dog is properly registered with the South Carolina Department of Natural Resources. Under this exemption, the dog owner may receive a lifetime license without spaying or neutering the dog.

(Ord. No. 2015/27, 02-01-2018)

Sec. 14-30. - Declaration of restricted dog, appeal of breed determination.

(a) For the purposes of this section, a restricted dog shall be defined as a Pit bull.

(b) No person may own, keep, or harbor a restricted dog in violation of this section.

(c) An owner or custodian of restricted dogs must have the dog spayed or neutered unless the owner of the restricted dog provides BCAS written proof one of the following exemptions applies:

(1) The restricted dog is less than four months of age;

(2) A licensed veterinarian has examined the animal and signed a written certificate stating that at such time spaying or neutering would endanger the animal's health because its age, infirmity, disability or other medical consideration. The certificate shall state the period of exemption from this requirement and shall not be valid for more than 12 months from the date of issuance.

(3) The determination of the dog's breed is under appeal pursuant to section 14-30(f);

(4) The owner or custodian has owned or had custody of the dog less than 30 days.

(d) An owner or custodian of a restricted dog must provide for the dog’s permanent identification by implantation of a BCAS approved microchip.

(e) Determination of breed and appeal of determination.

(1) Determination. The director of BCAS or his or her designee, in his or her discretion, may make an initial breed determination upon contact with, or impoundment of a dog. The determination shall be made by the director or designee in accordance with BCAS's breed determination checklist. Technical deficiency in the dog's conformance to the standards defined in section 14-27 for pit bulls shall not be construed to indicate the dog is not a pit bull dog under this section.

(2) Notice. Upon determination of the breed, the animal services officer shall deliver written notice of determination to the owner or any adult residing at the premises where the animal is located or by posting on the premises if no adult is present. The notice shall include the determination of breed, mandatory spay and neuter requirements, an administrative penalty and notice of appeal process.

(3) [Compliance.] The owner or custodian of an unaltered restricted dog shall comply with this article within 10 days after receipt of notice of restricted dog determination. Upon compliance,

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the owner or custodian shall submit written documentation to BCAS confirming compliance. If ownership of the dog is transferred within the time for compliance the original owner or custodian must provide BCAS with the new owner's name and address.

(f) Appeal. Notice of a declaration of breed determination constitutes a final determination that the dog is a restricted dog, unless the owner or custodian requests a hearing in writing to the Beaufort County Magistrate Court within ten days of service of the notice.

(Ord. No. 2015/27, 10-12-2015)

Sec. 14-31. - Pet breeder license, inspection and fees.

It shall be unlawful for a pet breeder to fail to obtain a county pet breeder license. The requirements for such a license are as follows:

(a) Individuals engaged or intending to engage in breeding, , must obtain a non-transferable, pet breeder license from BCAS.

(b) Applicants must have a valid county annual pet license and microchip for all pets before applying for the pet breeder license.

(c) BCAS shall conduct an inspection of the identified property for the pet breeders license requested by the applicant to determine whether the applicant qualifies to hold a pet breeder license pursuant to this section.

(d) To qualify for a pet breeder license the applicant must demonstrate the following:

(1) The enclosure where the pets are being kept shall be constructed in such a manner that any pets housed there will be adequately and comfortably kept in any season of the year.

(2) All pet enclosures must be constructed in such a manner they can be easily cleaned and sanitized. Any kennels or yards that are connected or are used to confine the pets must be kept clean and free from accumulations of feces, filth, mud, and debris.

(3) Every pet on the premises must have access to sufficient good and wholesome food, and water at all times.

(4) The premises must be set up in such a manner as to not allow pets to stray beyond its enclosed confines. The setup must also prevent the public and stray animals from obtaining entrance into or gaining contact with any pets on the premises.

(e) A license will not be issued to an applicant that has pled no contest, or has been found to have violated any federal, state, or local laws or regulations pertaining to animal cruelty within five years of the date of application.

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(f) The pet breeder license fee published in the fee schedule approved by County Council. The license shall expire 365 days after the date it is issued.

(g) Any violations found under the provisions of this chapter shall be grounds for the suspension of the pet breeder license if deemed necessary by the Beaufort County Animal Services.

(Ord. No. 2015/27, 10-12-2015)

Sec. 14-32. – Dangerous animals.

(a) For the purposes of this section, a dangerous or vicious animal shall be defined to be any one of the following:

(1) An animal which the owner knows or reasonably should know has a propensity, tendency, or disposition to attack unprovoked, cause injury, or to otherwise endanger the safety of human beings or domestic animals;

(2) An animal which makes an unprovoked attack that causes bodily injury to a human being and the attack occurs in a place other that the place where the animal is confined;

(3) An animal which commits unprovoked acts in a place other than the place where the animal is confined and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to a human being;

(4) An animal which is owned or harbored primarily or in part for the purpose of fighting or which is trained for fighting;

(5) An animal which is used as a weapon in the commission of a crime;

(6) An animal which causes serious injury to a human being, other than the owner, regardless of provocation or location.

(b) Declaration of a dangerous animal, confinement requirements, and final determination of danger animal declaration.

(1) Declaration. An animal services officer or law enforcement officer, in his or her discretion, may make an initial determination that an animal is dangerous. Upon the initial determination, the officer shall deliver written notice to the owner or any adult residing at the premises where the animal is located or by posting on the premises if no adult is present. The notice shall include a description of the animal, a hearing date, confinement requirements and registration requirements.

(2) When, in the discretion of an animal services officer or law enforcement officer, the animal initially determined to be dangerous has caused injury to another animal or human, the officer may take temporary possession of the animal during the pendency of the final dangerous dog determination hearing before a Magistrate Judge.

(2) Confinement requirements and registration. Every dangerous animal, as determined under this section, shall be confined by the owner within 72 hours of the notice of dangerous dog determination and until the final determination of the dangerous dog declaration:

a. All dangerous animals shall be securely confined within an occupied house or residence or in a securely enclosed and locked pen or kennel, except when leashed as provided in this section. Such pen, kennel or structure must have secure sides and a secure top attached to the sides.

b. The pen or kennel must be clearly marked as containing a dangerous animal.

c. No person shall permit a dangerous animal to go outside its kennel or pen unless such animal is securely leashed and muzzled with a leash no longer than six feet in length.

d. The owner of a dangerous animal must provide BCAS with proof of liability insurance or surety bond of at least $50,000.00.

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e. The owner must obtain a dangerous animal registration/license from BCAS and pay a fee on the BCAS fee schedule subject to County Council approval.
(3) Final determination of dangerous animal declaration. Notice of a declaration of a dangerous animal constitutes an initial determination that the animal is dangerous or potentially dangerous. A final determination shall be made by the Beaufort County Magistrate Court within 30 days or as soon as practicable.
(e) Exemptions. A dog working in a law enforcement capacity with a governmental agency and in the performance of the dog's official duties.

(Ord. No. 2015/27, 10-12-2015)

Sec. 14-33. - Running at large.

(a) [Unlawful.] It shall be unlawful for any owner or custodian of any dog to permit the same to run at large except on property owned or rented by the owner or custodian. All dogs, must be kept under restraint or confinement and under the physical control of the owner or custodian by means of a leash or other physically attached similar restraining device.

(b) Exemption. Except as provided herein, no person shall bring or allow any dog, or any other animal on the beach that is not at all times on a leash between the hours of 10:00 a.m. and 5:00 p.m. from April 1 through the Thursday before Memorial Day weekend and from the Tuesday after Labor Day weekend through September 30. No person shall bring or allow any dog, or any other animal, on the beach between the hours of 10:00 a.m. and 5:00 p.m. from the Friday before Memorial Day weekend through the Monday of Labor Day weekend. No person shall bring or allow any dog or any other animal on the beach that is not on a leash or under positive voice control of the responsible person between 5:00 p.m. and 10:00 a.m. from April 1 through September 30. No person shall bring or allow any dog or any other animal on the beach that is not on a leash or under positive voice control at any hour from October 1 through March 31.

No person shall permit any excrement from any animal under that person's control to remain on the beach, but shall dispose of same in a sanitary manner.

From April 1 through the Thursday before Memorial Day weekend and from the Tuesday after Labor Day weekend through September 30 of each year, dogs or any other animal, other than seeing-eye dogs, shall not be allowed in any designated swimming area unless on a leash and walking through the area between 10:00 a.m. and 5:00 p.m.

(c) Exempt dogs. Dogs that are participating in hunting events, obedience trials, conformation shows, tracking tests, herding trials, lure courses and other events similar in nature shall not be considered "at large."

(Ord. No. 2015/27, 10-12-2015)

Sec. 14-34. - Nuisance pets or livestock.

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(a) The actions of a pet or livestock constitute a nuisance when a pet or livestock disturbs the rights of, threatens the safety of or injures a member of the general public, or interferes with the ordinary use and enjoyment of their property.

(b) It shall be unlawful for any person to own, keep, possess, or maintain a pet or livestock in such a manner so as to constitute a public nuisance. By way of example, and not of limitation, the following acts or actions by an owner or possessor of any pet or livestock are hereby declared to be a public nuisance and are, therefore, unlawful:

(1) Failure to exercise sufficient restraint necessary to control a pet or livestock as required by section 14-33.

(2) Allowing or permitting a pet or livestock to damage the property of anyone other than its owner, including, but not limited to, turning over garbage containers or damaging gardens, flowers, or vegetables.

(3) Failure to maintain a dangerous animal in a manner other than that which is described in section 14-32.

(4) Maintaining pets or livestock in an environment of unsanitary conditions which results in offensive odors or is dangerous to the pet or livestock or to the public health, welfare, or safety.

(5) Maintaining his or her property in a manner that is offensive, annoying, or dangerous to the public health, safety, or welfare of the community because of the number, type, variety, density, or location of the pets or livestock on the property.

(6) Allowing or permitting a pet or livestock to bark, whine, or howl in an excessive, unwarranted, and continuous or untimely fashion, or make other noise in such a manner so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises.

(7) Maintaining a pet or livestock that is diseased and dangerous to the public health.

(8) Maintaining a pet or livestock that habitually or repeatedly chases, snaps at, attacks, or barks at pedestrians, bicycles, or vehicles.

(9) Every female pet or livestock in heat shall be confined in a building or secure enclosure in such a manner as will not create a nuisance by attracting other pets or livestock.

(c) A pet or livestock that has been determined to be a habitual nuisance by BCAS may be impounded and may not be returned to the owner until said owner can produce evidence to demonstrate that the situation creating the nuisance has been abated.

(Ord. No. 2015/27, 10-12-2015)

(d) It shall be unlawful for any owner of any animal to allow the animal to disturb any person by excessive, unrelenting, or habitual barking, howling, yelping, or other audible sound. In addition to being

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a violation of this Section, the same is hereby declared to be a public nuisance that may be abated pursuant to the provisions specified in Chapter 14 of this Code.

(1) No person shall be charged with violating this Section unless a written warning was given to the owner or person in custody of the animal by an Animal Services Officer or police officer within 12 months preceding the first date alleged as a date of violation in the complaint. A warning is given under this subsection if it is personally given to the owner or person in custody of the animal, or it is posted upon the property of the owner or person in custody or mailed first-class to such person. Such records are prima facie evidence that such warnings were given.

(2) No administrative penalty or summons shall be issued and no person shall be convicted at trial for violating this Section unless two or more witnesses from different households testify to the loud and persistent or loud and habitual nature of the noise, or unless there is other evidence corroborating the testimony of a single witness.

(Ord. No. 2015/27, 02-01-2018)

Sec. 14-35. - Animal cruelty.

(a) Animal care generally. It shall be unlawful for an owner to fail to provide his animals with sufficient good and wholesome food, water at all times, proper shelter and protection from weather, and humane care and treatment.

(b) Mistreatment. It shall be unlawful for a person to beat, cruelly treat, torment, overload, overwork, or otherwise abuse an animal or cause, instigate, or permit any dogfight or other combat between animals or between animals and humans.

(c) Physical alteration. It shall be unlawful for a person to dye or color artificially any animal or fowl, including, but not limited to, rabbits, baby chickens, and ducklings, or to bring any dyed or colored animal or fowl into the county. No person shall crop or dub a pet or livestock's ears or tail or wattle or comb, except a licensed veterinarian.

(d) Abandonment. It shall be unlawful for any owner to abandon an animal.

(e) Unlawful tethering. No person owning or keeping a dog shall chain or tether a dog to a stationary object, including, but not limited to, a structure, dog house, pole, stake, or tree in any manner or by any method that allows the dog to become entangled or injured. A tethering device employed shall not allow the dog to leave the owner's, guardian's or keeper's property. The tether shall be designed for dogs and devices not designed for tethering dogs shall not be used. Only a properly fitted harness, collar or other tethering device specifically designed for the dog may be used. No chain or tether shall weigh more than one-eighth of the dog's body weight. When tethered to a stationary object, the tethering device shall be attached to the dog’s harness or collar and not directly to the dog’s neck. Nothing in this section shall be construed to prohibit a person from walking a dog on a hand-held leash. No dog under the age of six months shall be tethered outside for any length of time, unless under direct supervision of an adult over the age of 18 years old.

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(f) No animal shall be tethered during any named Tropical Storm or named Hurricane expected to impact Beaufort County or whenever flooding could occur. For the purpose of this section, a Tropical Storm or named Hurricane is expected to impact Beaufort County when a Tropical Storm Watch, Warning or evacuation or a Hurricane Watch, Warning or evacuation is in effect for Beaufort County.

(1) A person owning or keeping a dog may confine such dog outside, subject to the restrictions in this section, through the use of any of the following methods:

a. Inside a pen or secure enclosure; or

b. A fully fenced, electronically fenced or otherwise securely enclosed yard, wherein a dog has the ability to run but is unable to leave the enclosed yard; or

c. The length of the tether from the cable run to the dog's collar or harness shall allow continuous access to clean water and appropriate shelter at all times.

(2) Exceptions to the above restrictions on outdoor confinement shall be made for dogs actively engaged in conduct directly related to the business of shepherding or herding cattle or other livestock or engaged in conduct that is directly related to the business of cultivating agricultural products, if the restraint is reasonably necessary for the safety of the dog.

(Ord. No. 2015/27, 10-12-2015)

Sec. 14-36. - Sale of animals, pets or livestock.

(a) No person shall sell, trade, barter, auction, lease, rent, give away, or display for commercial purpose, any live animal, pet or livestock on any roadside, public right-of-way, public property, commercial parking lot or sidewalk, or at any flea market, fair, or carnival.

(b) No person shall offer an animal, pet or livestock as an inducement to purchase a product, commodity, or service.

(c) No person shall sell, offer for sale, or give away any animal or pet four (4) weeks of age, except as surrender to the county animal services facility or to a licensed pet rescue organization.

(d) Licensed pet shops, commercial kennels, county animal services facilities, and licensed pet rescue organizations are exempt from the requirements of this section 14-36.

(e) Any sale of wildlife will be reported to the South Carolina Department of Natural Resources, United States Department of Agriculture, and United States Fish and Wildlife Service.

(Ord. No. 2015/27, 10-12-2015)

Sec. 14-37. - Seizure and right of entry to protect abandoned, neglected, or cruelly treated pets or livestock.

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(a) Seizure and right of entry. If the owner does not give permission to the animal services officers for right of entry on private property to examine suspected abandoned, neglected or cruelly treated pets or livestock, the animal services officers shall petition the appropriate magistrate for an animal pickup order or a search warrant for the seizure of the pet or livestock to determine whether the owner, if known, is able to adequately provide for the pet or livestock and is a fit person to own the pet or livestock.

(b) Citation. The animal services officers shall cause to be served upon the owner, if known, and residing within the jurisdiction wherein the pet or livestock is found, a written citation at least five days prior to the hearing containing the time and date and place of the hearing. If the owner is not known or cannot be found within the jurisdiction wherein the pet or livestock was found, the animal services officers shall post a copy of the notice at the property where the animal was seized.

(c) Custody. The pet or livestock shall remain in the custody and care of BCAS until such matter is heard before a magistrate. The magistrate shall make the final determination as to whether the pet or livestock is returned to the owner or whether ownership is transferred to the BCAS whereby the pet or livestock may be put up for adoption or humanely euthanized. If the magistrate orders the return of the pet or livestock to its owner, BCAS shall release the pet or livestock upon receipt from the owner of all redemption fees as described in section 14-39, below.

(d) Nothing in this section shall be construed to prohibit the euthanasia of a critically injured or ill animal for humane purposes.

(Ord. No. 2015/27, 02-01-2018)

Sec. 14-38. - Impoundment.

(a) Any pet or livestock found within the county in violation of the provisions of this chapter may be caught and impounded by BCAS. BCAS may, thereafter, make available for adoption or humanely euthanize impounded pets or livestock not positively identified or redeemed within five working days.

(b) When a person arrested is, at the time of arrest, in charge of an animal, BCAS may take charge of the animal and deposit the animal in a safe place of custody or impound the pet or livestock at its animal care facility.

(c) The owner of a pet or livestock that may be positively identified shall be notified at the owner's last known address by registered mail if attempts by telephone are not successful. The owner has 10 days from the date of mailing to contact BCAS for pick-up. Redemption costs will include the cost of mailing, any established costs, fines, fees, or other charges. If the owner does not make contact within 10 days of the date of mailing, the pet or livestock will be deemed abandoned and becomes the property of BCAS. For pets or livestock impounded at BCAS, the director of animal services, or his/her designee in agreement with a licensed veterinarian, shall either place the pet or livestock for adoption or have the pet or livestock humanely euthanized, pursuant to S.C. Code, § 47-3-540 (Supp. 1999).

(d) Notwithstanding the above, pets or livestock impounded at BCAS, which are deemed by the director of animal services, or his/her designee or a licensed veterinarian to constitute a danger to other pets,

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livestock or persons at the facility, or which are infectious to other pets or livestock, in pain or near death may be humanely euthanized immediately.

(e) Any pet or livestock surrendered to BCAS may be adopted or euthanized at any time provided there is a completed and signed surrender form on file for the pet or livestock concerned.

(Ord. No. 2015/27, 10-12-2015)

(f) Only government agencies or organizations that are contracted with a government agency to perform animal control services have the authority to impound animals. All stray animals must be taken or reported to the Beaufort County Animal Shelter and or affiliated organizations as soon as possible for the mandatory holding period.

Sec. 14-39. - Redemption.

(a) The owner or keeper of any pet or livestock that has been impounded under the provisions of this chapter, and which has not been found to be dangerous or vicious, shall have the right to redeem such pet or livestock at any time when proper ownership has been confirmed by BCAS personnel; upon payment of a fee as follows:

(1) For a pet or livestock that has not been properly inoculated, licensed, micro chipped, and spayed or neutered, the BCAS director of animal services or his/her designee, may issue a warning or Administrative Citation for the first offense at their discretion after a thorough investigation of the circumstances. Redemption fees shall be published on the BCAS fee schedule and be subject to County Council approval.

(2) In addition to the administrative penalty, for a pet or livestock not properly inoculated, licensed, microchipped and spayed or neutered, an appropriate microchip license fee, the charge for rabies inoculation, and the cost of spaying or neutering the pet or livestock may be charged to the owner.

(3) Pets or livestock will not be released without proof of inoculation and without an implanted microchip. The requirements of spaying or neutering shall not be waived under the exceptions in subsections 14-29(e)(1)—(4) when the pet or livestock (as appropriate) has been impounded a second time for any violations of sections14-32, 14-33, 14-34, or 14-35.

(b) In addition to the redemption fee, a boarding fee after 24 hours per the published fee schedule per day per pet or livestock shall be paid by the owner or keeper when a pet or livestock is redeemed.

(c) The fees set out in this section shall be doubled for any pet or livestock impounded twice or more within the same 12-month period.

(Ord. No. 2015/27, 10-12-2015)

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Sec. 14-40. - Adoption. (a) Any pet or livestock impounded under the provisions of this chapter may, at the end of the legal detention period, be adopted provided the new owner will agree to comply with the provisions contained herein.

(b) Any pet or livestock surrendered to BCAS may be adopted at any time provided there is a completed and signed surrender form on file for the pet or livestock concerned.

(c) Those individuals adopting puppies or kittens too young to be neutered or spayed or receive rabies inoculations will pay the cost of these procedures at the time of adoption and be given an appointment for a later time to have these procedures completed. In the event the pet is deceased prior to the appointment date, the applicable portion of the adoption fee will be returned.

(d) The county animal services director or designee shall have the authority to refuse adoption of any animal to any person deemed unable to provide proper shelter, confinement, medical care and food or to any person who has a past history of inhumane treatment of or neglect to pets or livestock. Any person seeking adoption of a pet or livestock more frequently than 90 from the last adoption shall be subject to refusal of adoption. Any person who has been refused adoption of a pet or livestock may appeal his case to the assistant county administrator for public safety. If any person surrenders an owned pet or livestock to the animal services department, they will not be able to adopt a pet or livestock for 90 days from the date of the original surrender.

(Ord. No. 2015/27, 10-12-2015)

Sec. 14-41. - Trapping.

(a) It shall be unlawful for any person or business to conduct trapping of any pets, livestock or domestic animals within Beaufort County without prior approval from the animal services department. Any pets, livestock or domestic animals trapped with prior approval from the animal services department will be reported or delivered to the animal services department for purposes of identification of the pet's owner and record keeping of the trapping. It shall be unlawful for any person to remove, destroy, or liberate any trap and/or trapped animal set by the Beaufort County Animal Services Department or enter any animal services vehicle with the intent to rescue or deliver it from the custody of the animal services department. If a trapped animal is in need of immediate attention, the animal services department or 911 will be notified immediately of the animal in distress.

(b) Exemption. Trapping is permitted for hogs.

(Ord. No. 2015/27, 10-12-2015)

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Sec. 14-42. - Management of feral cat colonies.

(a) Definitions.

Caregiver means any person who provides food, water or shelter to or otherwise cares for a feral cat colony and has made application to the animal services department for management of a feral cat colony.

Caregiver manager means any person in charge of a caregiver program.

Ear tipping means straight-line cutting of the tip of the left ear of a cat while the cat is anesthetized.

Feral cat means a cat which currently exists in a wild or untamed state.

Feral cat colony means a group of cats that congregate. Although not every cat in a colony may be feral, non-feral cats routinely congregate with a colony shall be deemed to be a part of it.

Nuisance means disturbing the peace by:

(1) Habitually or continually howling, crying or screaming, or

(2) The habitual and significant destruction of property against the wishes of the owner of the property.

Suitable shelter means shelter that provides protection from rain, sun and other elements and is adequate to protect the health of the cat.

TNR means trap, neuter/spay and release.

TNA program means a program pursuant to which cats are trapped, neutered or spayed, vaccinated against rabies, ear tipped or tattooed and released to a designated location of a managed colony.

(b) Feral cat colony management. Feral cat colonies shall be permitted (no fee) by the Beaufort County Animal Services Department and caregivers shall be responsible for applying for the permit for each colony and be entitled to maintain them in accordance with the terms and conditions of the BCAS policy on feral cat colony management, once the permit is approved by animal services department.

(Ord. No. 2015/27, 10-12-2015)

Sec. 14-43. - Livestock.

(a) All livestock shall be properly housed with adequate food, water and confined within a fenced enclosure. The fenced enclosure shall be maintained in such a manner as to keep any average livestock animal from escaping the enclosed compound and causing damage, accidents or injury to any person or property. No person shall tie, stake or fasten any livestock within any street, highway, road, alley, sidewalk, right-of-way, or other public place within the county or in such manner that the animal has access to any portion of any street, highway, road, alley, sidewalk, right-of-way, or other public place.

(b) Owners or possessors of livestock impounded for violation of this article or any state and/or federal laws, will be charged in accordance with actual costs of impoundment plus impounding and boarding fees.

(c) Impounded livestock shall be held for a period of ~~21~~ 10 days. If such impounded animals are not claimed by the owners during that period of time, the animals may be given to persons willing to accept them, in the discretion of the Beaufort County Animal Services Department.

(d) Exception: No other swine or livestock shall be kept within the corporate limits of Port Royal and Bluffton except as is permissible under the municipal zoning regulations. No approval shall be granted or continued if such keeping shall constitute a menace to health or welfare of the public. To the extent that other section within this chapter reference livestock this section shall be controlling.

(Ord. No. 2015/27, 10-12-2015)

Sec. 14-44. - Importation of exotic animals prohibited.

(a) Definition. An "exotic animal" shall be defined as one which would ordinarily be confined to a zoo, or one which would ordinarily be found in the wilderness of this or any other country or one which is a species of animal not indigenous to the United States or to North America, or one which otherwise causes a reasonable person to be fearful of significant destruction of property or of bodily harm and the latter includes, but would not be limited to, such animals as monkeys, raccoons, squirrels, ocelots, bobcats, lions, tigers, bears, wolves, hybrid wolves, and other such animals or one which causes zoonotic diseases. Such animals are further defined as being those mammals or those nonvenomous reptiles weighing over 50 pounds at maturity which are known at law as Ferae naturae. Wild or exotic animals specifically do not include animals of a species customarily used in South Carolina as ordinary household pets, animals of a species customarily used in South Carolina as domestic farm animals, fish contained in an aquarium, birds or insects.

(b) Unlawful act. It shall be unlawful for any person, firm, or corporation to import into Beaufort County, any venomous reptile or any other exotic animal.

(c) Exceptions. This division shall not apply to following entities:

(1) An entity licensed as a Class R Research Facility by the United States of America or any agency thereof pursuant to the Animal Welfare Act (7 U.S.C. 2131 et seq.).

(2) An entity properly accredited by the Association of Zoos and Aquariums or the Zoological Association of America.

(3) An entity licensed as a Class C Facility by the United States of America or any agency thereof pursuant to the Animal Welfare Act (7 U.S.C. 2131 et seq.) for exhibition not to exceed seven days within a 52-week period.

(4) A team mascot for a university or educational facility.

(Ord. No. 2015/27, 10-12-2015) **Sec. 14-45. - Rabies Control Act (S.C. State Law 47-5-10).**

This law is strictly enforced by South Carolina Department of Health and Environmental Control (DHEC) in cooperation with Beaufort County Animal Services Department and any state, county or municipal law enforcement agencies.

(Ord. No. 2015/27, 10-12-2015) (A) Vaccinations: It shall be unlawful for any owner of a dog or cat four (4) months of age or older to fail to have such animal vaccinated against rabies, unless recommended otherwise by veterinarian for medical reasons. All dogs and cats shall be vaccinated at four (4) months of age (unless recommended otherwise by veterinarian) and revaccinated thereafter at the expiration of the validity of the vaccine used, as shown on the written document prepared by a licensed veterinarian. The vaccination shall be valid for the period shown on the document. Any person moving into the County from a location outside the County shall comply with this Section within 30 days after having moved into the County by having the animal vaccinated or showing proof of current, valid vaccination. If the dog or cat has inflicted a bite on any person or another animal within the last ten days, the owner of said animal shall report such fact to a veterinarian, and no rabies vaccine shall be administered until after the required observation or quarantine period.

(B) Proof of Vaccination: It shall be unlawful for any person who owns a vaccinated animal to fail or refuse to exhibit his copy of the certificate of vaccination upon demand to any person charged with the enforcement of this Chapter. A current rabies tag, if provided by the veterinarian administering the vaccine, shall be attached to a collar, harness or other device and shall be worn by the vaccinated dog or cat at all times. The requirement for a dog to display a current rabies tag shall not apply to a dog that is displaying a current dog license tag affixed to a collar, harness or other device worn on the dog

(C) Harboring Unvaccinated Dogs and Cats: It shall be unlawful for any person to harbor any dog or cat that has not been vaccinated against rabies, as provided herein, or that cannot be identified as having a current vaccination certificate.

(D) Non-transferability: Vaccination certificates and tags are not transferable and cannot be used for any animal other than the animal that received the vaccination and for which the certificate was originally issued.

(E) Exceptions: No person charged with violating 14-45 Rabies Control shall be convicted if he produces in Court a bona fide and valid certificate of vaccination that was in full force and effect at the time of the alleged violation.

Sec. 14-46. - Interference with animal services officers.

It shall be unlawful for any person to interfere with, hinder, or molest an animal services officers in the performance of his or her duties or seek to release any pet or livestock in his/her custody without his/her consent.

(Ord. No. 2015/27, 10-12-2015)

Sec. 14-47. - Enforcement and penalties.

(a) The animal services officers of the Beaufort County Animal Services Department shall be charged with the responsibility of enforcing all ordinances enacted by the county and contracts entered into with the county for the care, control and custody of pets or livestock covered by this article. All violations of this article shall be heard by the Beaufort County Magistrate Court.

(b) The provisions of this article shall not apply to any dog or cat owned within the confines of any incorporated municipality within the county, unless and until the governing body of a municipality requests in writing that county council include the area of such municipality within the coverage of this article, and county council has acted favorably on such request and has so notified such municipality of its approval of such request.

(c) Any person who violates the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to a fine not exceeding the maximum allowed within the jurisdiction of the magistrate courts or imprisonment not exceeding 30 days, or both. However, infractions as provided in paragraph (f) below, are intended to be non-criminal, civil penalties and not subject to jail time.

(d) When any person is found guilty of a violation of the provisions of this chapter, or has been found in non-compliance of a Final Dangerous Dog Determination of the Court, a Magistrate may order possession and custody of the animal to be surrendered permanently to the Beaufort County Animal Shelter.

–(f) Infractions Resulting in Administrative citations and penalties.

In addition to the remedies and penalties contained in this chapter, and in accordance with S.C. Code Section 47-3-20, an administrative citation may be issued for certain infractions of county animal control ordinances. Infractions of this Chapter subject to administrative citation and penalty are in the discretion of the Animal Services Officer and include but are not limited to: Mandatory dog licenses/registration, mandatory rabies vaccination, permitting a dog to run at large, mandatory spay/neuter, and warnings for a noisy public nuisance animal. Animal cruelty charges and Dangerous Dog Determinations are not violations subject to administrative citations.

The following procedures shall govern infractions of this chapter and the imposition, enforcement, collection and administrative review of administrative citations and penalties.

A. Notice of infraction. If an animal is owned, kept, maintained, or found to be in violation of a county animal control ordinance, an administrative citation may be issued by the animal services officer.

B. Content of citation. The administrative citation shall be issued on a form approved by the Director of Beaufort County Animal Services and shall contain the following information:

1. Date, location and approximate time of the infraction;
2. The ordinance violated and a brief description of the infraction;
3. The amount of the administrative penalty imposed for the infraction;

4. Instructions for payment of the penalty, and the time period by which it shall be paid and the consequences of failure to pay the penalty within the required time period;

5. Instructions on how to appeal the citation;

6. The signature of the animal control officer.

The failure of the citation to set forth all required contents shall not affect the validity of the proceedings.

C. Service of citation.

1. If the person who has violated the county animal control ordinance is present at the scene of the infraction, the animal control officer shall attempt to obtain his signature on the administrative citation and shall deliver a copy of the administrative citation to him/her.

2. If the owner, occupant or other person who has an infraction of a county animal control ordinance is a business, and the business owner is on the premises, the animal control officer shall attempt to deliver the administrative citation to him/her. If the animal control officer is unable to serve the business owner on the premises, the administrative citation may be left with the manager or employee of the business. If left with the manager or employee of the business, a copy of the administrative citation shall also be mailed to the business owner by certified mail, return receipt requested.

3. If no one can be located at the property where the infraction occurred, then the administrative citation shall be posted in a conspicuous place on or near the property and a copy mailed by certified mail, return receipt requested to the owner, occupant or other person who has violated the ordinance. The citation shall be mailed to the property address and/or the address listed for the owner on the last county equalized assessment roll. The citation shall also be mailed to any additional addresses for the owner in department records.

D. Administrative penalties.

1. The penalties assessed for each infraction of a county animal control ordinance shall not exceed the following amounts:

i. One hundred dollars ($100.00) for a first infraction;

ii. Two hundred dollars ($200.00) for a second infraction of the same administrative abatement order within one year;

iii. Five hundred dollars ($500.00) for each additional infraction of the administrative abatement order within one year.

2. If the infraction is not corrected, additional administrative citations may be issued for the same infraction. The amount of penalty shall increase at the rate specified above.

3. Payment of the penalty shall not excuse the failure to correct the infraction nor shall it bar further enforcement action.

4. The penalties assessed shall be payable to the Beaufort County Treasurer.

5. Where the infraction would otherwise be a violation, the administrative penalty shall not exceed the maximum fine or infraction amount.

6. Failure to pay an administrative penalty may result in prosecution or petition for the original violation(s) in the Magistrate court of Beaufort County.

E. Administrative appeal of administrative citation.

1. Notice of appeal. The recipient of an administrative citation may appeal the citation by filing a written notice of appeal with the Department. The written notice of appeal must be filed within twenty (20) days of the service of the administrative citation set forth in subsection C. above. Failure to file a written notice of appeal within this time period shall constitute a waiver of the right to appeal the administrative citation. The notice of appeal shall be submitted on county forms and shall contain the following information:

i. A brief statement setting forth the appellant's interest in the proceedings;

ii. A brief statement of the material facts which the appellant claims supports his contention that no administrative penalty should be imposed or that an administrative penalty of a different amount is warranted;

iii. An address at which the appellant agrees notice of any additional proceeding or an order relating to the administrative penalty may be received by mail;

iv. The notice of appeal must be signed by the appellant;

v. A check or money order is required, as a deposit, for the total penalty amount shown on the front side of the citation, before the Administrative Appeal will be scheduled;

vi. Indigence must be proved to have the deposit waived.

2. Administrative hearing of appeal. Upon a timely written request by the recipient of an administrative citation, an administrative hearing shall be held as follows:

i. Notice of hearing. Notice of the administrative hearing regarding the administrative citation shall be given at least ten (10) days before the hearing to the person requesting the hearing.

ii. The administrative hearing regarding the administrative citation shall be held before the Public Safety Director, or a designee. The hearing officer shall not be the investigating animal control officer who issued the administrative citation or his immediate supervisor. The Director may contract with a qualified provider to conduct the administrative hearings or to process administrative citations.

iii. Conduct of the hearing. The investigating animal control officer who issued the administrative citation shall be required to participate in the administrative hearing regarding the citation. The contents of the investigating animal control officer's file may be admitted in support of the administrative citation. The hearing officer shall not be limited by the technical rules of evidence. If the person requesting the appeal of the administrative citation fails to appear at the administrative hearing, the hearing officer shall make a determination based on the information available at the time of the hearing.

iv. Hearing officer's decision. The hearing officer's decision regarding the administrative citation following the administrative hearing may be personally delivered to the person requesting the hearing or sent by mail. The hearing officer may allow payment of the administrative penalty in installments, if the person provides evidence satisfactory to the hearing officer of an inability to pay the penalty in full at one time. The hearing officer's decision shall contain instruction for obtaining review of the decision by the circuit court.

F. Appeal to Circuit Court. Any person who receives an unfavorable decision from the decision of an Administrative Appeal may file an appeal with the Circuit Court in Beaufort County. The appeal to

Circuit Court must be filed within thirty (30) days of the notice of the Administrative Officer's decision being mailed to the recipient of an Administrative citation.

BEAUFORT COUNTY COUNCIL

Agenda Item Summary

Item Title:

Request to Purchase Public Health Insecticide from State Contract for Beaufort County Mosquito Control

Council Committee:

Governmental Committee

Meeting Date:

January 28, 2019

Committee Presenter (Name and Title):

Dave Thomas, Purchasing Director and Gregg Hunt, Director Mosquito Control if needed.

Issues for Consideration:

Mosquito Control will use this product to treat an estimated 21,500 catch basins throughout Beaufort County starting in April, 2019. Mosquitoes potentially associated with West Nile virus use the underground stormwater systems as breeding sites. The timely treatments will help reduce the risk of this mosquito-borne disease among humans, horses, and birds.

Points to Consider:

1. This request is to purchase EPA registered insecticide Natular/XRT tablets with a discounted price due to volume ordered saving the

Funding & Liability Factors:

10001400-52320, Mosquito Control – Public Health Products (current fund balance – $232,312.70)

Council Options:

Committee may approve without full Council.

Recommendation:

The Purchasing Department recommends that the Governmental Committee approve the purchase of Natular XRT tablets for $89,698.60 from Clarke.

COUNTY COUNCIL OF BEAUFORT COUNTY

PURCHASING DEPARTMENT

106 Industrial Village Road, Bldg. 2, Post Office Drawer 1228
Beaufort, South Carolina 29901-1228

David L Thomas, Purchasing Director
dthomas@bcgov.net 843.255.2353

Print Preview
Preview the form before printing

TO: Councilman Paul Sommerville, Chairman, Governmental Committee

FROM: David L Thomas. CPPO. Purchasing Director

SUBJ: State Contract Purchase

Request to Purchase Public Health Insecticide for Mosquito Control

DATE: 01/16/2019

BACKGROUND:

The Purchasing Department received a request from the Mosquito Control Director to purchase an EPA-registered public health insecticide (Natular XRT tablets) from Clarke, a State-contract and/or sole-source vendor. Further, the vendor will offer a discounted State-contract price based on volume (a saving of $7,278.46). Mosquito Control will use this product to treat an estimated 21,500 catch basins throughout Beaufort County starting in April, 2019. Mosquitoes potentially associated with West Nile virus use the underground stormwater systems as breeding sites. The timely treatments will help reduce the risk of this mosquito-borne disease among humans, horses, and birds.

VENDOR INFORMATION:

Clarke, St. Charles, IL

98 cases (220 tablets per case) @ $858.53 per case
($84,135.94 + $5,048.16 tax + $514.50 shipping)

COST:

$89,698.60

Insert Addition Vendor Info.

FUNDING:

10001400-52320, Mosquito Control – Public Health Products (current balance – $232,312.70)

Prior Year Cost: $77,584 (Altosid XR ingots)

Funding approved: Yes By: aholland Date: 01/16/2019

FOR ACTION: Governmental Committee meeting occurring on January 28, 2019.

RECOMMENDATION:

The Purchasing Department recommends that the Governmental Committee approve the purchase of Natular XRT tablets for $89,698.60 from Clarke.

Attachment: Agenda Item Summary, Pricing Information.pdf
1.49 MB

cc: John Weaver, Interim County Administrator

Approved: Yes Date: 01/16/2019

Check to override approval: Overridden by: Override Date:

Alicia Holland, Assistant County Administrator, Finance

Approved: Yes Date: 01/16/2019

Phil Foot, Assistant County Administrator, Public Safety

Approved: Yes Date: 01/16/2019

Check to override approval: Overridden by: Override Date: ready for admin:

Gregg Hunt, Director, Mosquito Control Department Approved: Yes Date: 01/16/2019

Check to override approval: Overridden by: Override Date: ready for admin:

CC others

After Initial Submission, Use the Save and Close Buttons

Contractor: **ADAPCO, INC.**
Contact: Kathy Russell
Email: bids@myadapco.com
Address: 550 Aero Lane
Sanford, FL 32771
Telephone: (800) 367-0659
Fax: (866) 330-9888
Vendor #: 7000073003
FEIN #: 59-2574523
Contract #: 4400014373
Adapco Pricing

24 Hour Emergency Number
(800) 252-8500

Distributor: ADAPCO, INC.
Contact: Trey English
Telephone: (866) 829-0275
Email: tenglish@myadapco.com

Contractor: **Clarke Mosquito Control Products, Inc.**
Contact: Gabriela Simone
E-Mail: Gsimone@clarkemosquito.com
Address: 16277 Collections Ctr Dr.
Chicago, IL 60693
Telephone: (630) 671-3187
Vendor #: 7000033604
FEIN#: 36-3672438
Contract # 4400014371
Clarke Pricing

24 Hour Emergency Numbers
(800) 535-5053

Distributor: Clarke Mosquito Control Products, Inc.
Contact: Gabriela Simone
E-Mail: Gsimone@clarkemosquito.com
Telephone: (630) 671-3187
Fax: (630) 894-1774
Control Consultant: Joe Strickhouser
Telephone: (704) 756-5837
Email: Jstrickhouser@clarke.com

Contractor: **Univar USA, Inc.**
Contact: Kim Holt
E-Mail: Kim.holt@univarusa.com
Address: 650 West 800 South
Salt Lake City, Utah 84104
Telephone: (801) 328-1112
Fax: (801) 328-8797
Vendor #: 7000057706
FEIN#: 91-1347935
Contract # 4400014372
Univar Pricing

24 Hour Emergency Numbers
(800) 424-9300

Distributor: Univar USA, Inc.
Contact: John Ryan
Telephone: (407) 843-2611
Fax: (407) 649-8433
E-Mail: John.ryan@univarusa.cm

Clarke Mosquito Control Products, Inc. Products and Pricing

Microbial

Item No.		Percentage of Active Ingredient	Size	Product Name	Unit Price
1	1	2.7% Bacillus Sphaericus + 4.5% Bti	40 lb bag	Vectomax FG	$344.00
2	3	2.7% Bacillus Sphaericus + 4.5% Bti	20 bags/40 pouches (800)	Vectomax WSP	$1,504.00
3	11	7.5% Bacillus Sphaericus	40 lb bag	Vectolex FG	$264.80
4	12	7.5% Bacillus Sphaericus	20 bags/40 pouches (800)	Vectolex WSP	$872.00
5	14	2.8% Bacillus thuringiensis subspecies israelensis	40 lb bag	Vectobac G	$85.20
6	15	2.8% Bacillus thuringiensis subspecies israelensis	40 lb bag	Vectobac GR	$106.80
7	28	10.31% Bacillus thuringiensis subspecies israelensis	100/case	Summit BTI Briquets	$88.00
8	30	11.61% Bacillus thuringiensis subspecies israelensis	2x2.5 gal	Vectobac 12as	$191.85
9	31	11.61% Bacillus thuringiensis subspecies israelensis	30 gal drum	Vectobac 12as	$1,147.50
10	32	11.61% Bacillus thuringiensis subspecies israelensis	264 gal bulk	Vectobac 12as	$10,303.92
11	33	37.4% Bacillus thuringiensis subspecies israelensis	24x1lb	Vectobac WDG	$849.60
12	36	2.5% Spinosad	40 lb bag	Natular G30	$600.40
13	37	2.5% Spinosad	1000 lb bag	Natular G30	$14,870.00
14	38	6.25% Spinosad	220 tablets	Natular XRT	$932.80
15	39	7.48 % Spinosad	4000 tablets	Natular DT	$1,520.00
16	40	8.33% Spinosad	400 tablets	Natular T30	$588.00
17	41	20.6% Spinosad	2x2.5 gal	Natular 2EC	$4,857.80

Insect Growth Regulator

BEAUFORT COUNTY COUNCIL

Agenda Item Summary

Item Title:

Burton Fire District - Board Appointments

Council Committee:

Governmental

Meeting Date:

January 28, 2019

Committee Presenter (Name and Title):

N/A

Issues for Consideration:

(1) vacancy

Points to Consider:

See attached resume list.

Funding & Liability Factors:

N/A

Council Options:

N/A

Recommendation:

Fill vacancy.

Burton Fire District Commission (Applicants)					
Name	**Council District**				**Date Application Received**
Negron, Sammy	1				April 2016
Wilson, Alvin	4				June 2016

BEAUFORT COUNTY COUNCIL

Agenda Item Summary

Item Title:

Construction Adjustments and Appeals - Board Appointments

Council Committee:

Governmental

Meeting Date:

January 28, 2019

Committee Presenter (Name and Title):

N/A

Issues for Consideration:

(2) reappointments
(2) vacancies

Points to Consider:

Reappointments:
Daniel Anderson
Don Dean

Fill 2 vacancies. (Applicant list attached).
Appointments must be in the design professional contractor building industry.

Funding & Liability Factors:

N/A

Council Options:

N/A

Recommendation:

Make 2 reappointments.
Fill 2 vacancies.

Construction Adjustments and Appeals Board (Applicants)					
Name	**Council District**				**Date Application Received**
Ambrose, Raymond	2				December 2018

BEAUFORT COUNTY COUNCIL

Agenda Item Summary

Item Title:

Daufuskie Island Fire District - Board Appointments

Council Committee:

Governmental

Meeting Date:

January 28, 2019

Committee Presenter (Name and Title):

N/A

Issues for Consideration:

(1) reappointment
(1) vacancy

Points to Consider:

Reappointment:
Dr. Carole Rizzo-Baum

Fill 1 vacancy. (Applicant list attached).
Board recommends appointment of Bill Crabtree.

Funding & Liability Factors:

N/A

Council Options:

N/A

Recommendation:

Make 1 reappointment.
Fill 1 vacancy.

Daufuskie Island Fire District Board (Applicants)					
Name	**Council District**				**Date Application Received**
Crabtree, Bill	9				December 2018
Crosby, Aaron	9				April 2015