



RICHLAND COUNTY COUNCIL

DEVELOPMENT AND SERVICES COMMITTEE

Bernice G. Scott
District 10

Damon Jeter
District 3

Norman Jackson, Chair
District 11

Kit Smith
District 5

Bill Malinowski
District 1

February 26, 2008
4:00 PM

Richland County Council Chambers
County Administration Building
2020 Hampton Street

Call to Order

Approval of Minutes

- A. January 29, 2008: Regular Meeting [Pages 3 – 5]
- B. February 5, 2008: Special Called Meeting [Pages 6 – 7]

Adoption of Agenda

I. Items for Action

There are no items for action.

II. Items for Discussion / Information

- A. Utility franchise fees [Pages 8 – 9]
- B. Review of on-premises sign requirements [Page 10]
- C. Overview and discussion of vicious animal regulations [Pages 11 – 20]
- D. Request to accept roads in the Ashley Ridge subdivision for county ownership and maintenance
- E. Discussion of CMRTA issues: [Pages 21 – 22]
 - 1. Dissolution of CMRTA

2. Board Membership

Adjournment

Staffed by: Joe Cronin

**Richland County Council
Development and Services Committee
January 29, 2008
4:30 PM**



In accordance with the Freedom of Information Act, a copy of the agenda was sent to radio and TV stations, newspapers, persons requesting notification, and was posted on the bulletin board located in the lobby of the County Administration Building.

Members Present:

Chair: Norman Jackson
Member: Damon Jeter
Member: Bill Malinowski
Member: Bernice G. Scott
Member: Kit Smith

Others Present: Joseph McEachern, Valerie Hutchinson, Joyce Dickerson, Mike Montgomery, Paul Livingston, L. Gregory Pearce, Jr., Michielle Cannon-Finch, Milton Pope, Tony McDonald, Roxanne Matthews, Joe Cronin, Larry Smith, Amelia Linder, Joseph Kocy, Anna Almeida, Teresa Smith, Jennifer Dowden, Tamara King, Andy Metts, Sandra Hayes, Chief Harrell, John Hixson, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 4:06 p.m.

The meeting was recessed at 4:06 p.m. The meeting reconvened at 4:47 p.m.

ELECTION OF CHAIR

Mr. Malinowski moved, seconded by Ms. Scott, to nominate Mr. Jackson. The vote in favor was unanimous.

APPROVAL OF MINUTES

November 27, 2007 (Regular Session) – Mr. Jeter moved, seconded by Mr. Malinowski, to approve the minutes as submitted. The vote in favor was unanimous.

December 18, 2007 (Special Called) – Mr. Malinowski moved, seconded by Mr. Jeter, to approve the minutes as submitted. The vote in favor was unanimous.

ADOPTION OF AGENDA

Mr. Malinowski moved, seconded by Ms. Scott, to adopt the agenda as distributed. The vote in favor was unanimous.

ITEMS FOR ACTION

Ordinance to create an Architectural Review Board – Mr. Malinowski moved, seconded by Mr. Jeter, to forward this Alternative #4 proposed by the Planning Director to Council with a recommendation for approval. The vote in favor was unanimous.

Request to approve Airport Commission recommendations – Ms. Scott moved, seconded by Ms. Smith, to forward this item to Council with a recommendation for approval and to have staff research the possibility of charging overflow and trailer parking fees. A discussion took place.

The vote in favor was unanimous.

POINT OF PERSONAL PRIVILEGE – Mr. McEachern recognized that Harriet Gardner Fields and Clerk of Court, Barbara Scott were in the audience.

Sanitary sewer main extension agreement for Kingston Village off-site gravity sewer (B&C Development Co., LLC) - Ms. Scott moved, seconded by Ms. Smith, to forward this item to Council with a recommendation for approval. A discussion took place.

The vote in favor was unanimous.

An ordinance amending the Richland County Code of Ordinances; Chapter 12, Garbage, trash and refuse; Article III, Construction, modification, expansion, and/or operation of solid waste management facilities, beneficial landfills, and composting facilities, so as to repeal certain provisions – Ms. Smith moved, seconded by Ms. Scott, to forward this item to Council with a recommendation for approval. The vote was in favor was unanimous.

Ordinance authorizing a quit-claim deed for 62 square feet on Hastings Alley – Mr. Jeter moved, seconded by Ms. Smith, to forward this item to Council with a recommendation for approval. The vote in favor was unanimous.

Request to approve a grant from Palmetto Pride in the amount of \$6,000 for a community recycling event (No match, no personnel) – Ms. Scott moved, seconded by Ms. Smith, to forward this item to Council with a recommendation for approval. The vote in favor was unanimous.

Request to approve the expenditure of up to \$100,000 of the FY08 Electric Traffic Signal Program fund for the construction and installation of an electric traffic signal at the intersection of Summit Ridge Drive and Summit Parkway – Mr. Malinowski moved, seconded by Mr. Jeter, to forward this item to Council with a recommendation for approval. A discussion took place.

The vote was in favor.

ITEMS FOR DISCUSSION/INFORMATION

Update and discussion relating to the installation and maintenance of traffic signals on state maintained roads – Ms. Teresa Smith gave a brief update regarding this item. Staff was directed to research the liability regarding this matter.

Update and discussion of the Road Maintenance Fee – Ms. Teresa Smith gave a brief update regarding this item.

Utility Franchise Fees – Held in committee.

Review of on-premises signs – Held in committee.

Overview and discussion of vicious animal regulations – Held in committee.

Discussion of CMRTA issues:

1. **Dissolution of CMRTA** – Held in committee.
2. **Board Membership** – Held in committee.

ADJOURNMENT

The meeting adjourned at approximately 5:30.

Submitted by,

Norman Jackson, Chair

The minutes were transcribed by Michelle M. Onley

**Richland County Council
Development and Services Committee
February 5, 2008
5:45 PM**



In accordance with the Freedom of Information Act, a copy of the agenda was sent to radio and TV stations, newspapers, persons requesting notification, and was posted on the bulletin board located in the lobby of the County Administration Building.

Members Present:

Chair: Norman Jackson
Member: Damon Jeter
Member: Bill Malinowski
Member: Bernice G. Scott
Member: Kit Smith

Others Present: Milton Pope, Tony McDonald, Roxanne Matthews, Joe Cronin, Larry Smith, Amelia Linder, Anna Almeida, Jennifer Dowden, Tamara King, Andy Metts, Daniel Driggers, Audrey Shifflett, Pam Davis, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 5:46 p.m.

ADOPTION OF AGENDA

The agenda was unanimously adopted by the committee.

ITEMS FOR ACTION

An Ordinance amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VI, Supplemental use standards; Section 26-151, Permitted uses with special requirements; subsection (c), Standards; Paragraph (66), Sexually oriented businesses; so as to amend requirements pertaining to sexually oriented businesses –

Ms. Scott moved, seconded by Mr. Malinowski, to forward this item to Council with a recommendation for approval. A discussion took place.

The vote in favor was unanimous.

Fire agreement extension with the City of Columbia – Mr. Jeter moved, seconded by Ms. Scott, to forward this item to Council with a recommendation for approval. A discussion took place.

The vote in favor was unanimous.

ADJOURNMENT

The meeting adjourned at approximately 5:59.

Submitted by,

Norman Jackson, Chair

The minutes were transcribed by Michelle M. Onley

The County of Richland



Office of the County Attorney

MEMORANDUM

TO: Milton Pope, County Administrator
FROM: *LS* Larry C. Smith, Richland County Attorney
SUBJECT: Establishment of Franchise Fees upon utilities operating in Richland County
DATE: November 14, 2007

1. The County has the legal authority to impose franchise fees upon utilities operating in the County's designated Service Area without the County's consent.
2. The County's designated Service Area is defined as "an area in which the particular service is being provided or funds have budgeted or funds have been applied for as certified by the governing body thereof".
3. If the County designated a "Service Area," the County's consent and application of the fee would only likely apply to new service.
4. Telephone, telegraph, gas and electric are exempt and don't require the County's consent to operate.
5. In addition to the imposition of a franchise fee, the County could also consider the imposition of a business license tax on the for the extension of the lines in the unincorporated.

Cc: Honorable Joseph McEachern, Chair of Richland County Council
Tony McDonald, Assistant County Administrator
Any Metts, Utilities Director

November 7, 1978

RICHLAND COUNTY REFERENDUM

A REFERENDUM TO DETERMINE WHETHER THERE SHOULD BE ESTABLISHED AND IMPLEMENTED BY THE GOVERNING BODY OF THE COUNTY OF RICHLAND A COMPLETE AND COMPREHENSIVE PROGRAM DESIGNED TO PROVIDE WATER AND SEWAGE SERVICES TO THE RESIDENTS OF THE COUNTY OF RICHLAND.

The governing body of the County of Richland should take what action is necessary to establish and implement a complete and comprehensive program designed to provide water and sewage services to the residents of the County of Richland.

- In favor of the issue
- In opposition to the issue

The results were as follows:

In favor of the issue:	23,130	(70.5%)
In opposition to the issue:	9,674	(29.5%)

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Memo

To: J. Milton Pope, County Administrator
From: Geonard H. Price, Zoning Administrator
Date: 21 February 2008
Re: On Premise Digital Display Signs

A handwritten signature in black ink, appearing to be "G.H. Price", is written over the "From:" line of the memo header.

The Richland County Zoning Division has noted that a number of businesses and institutions have incorporated digital display signs as a means to advertise or market their “product”. Included among the types of establishments identified to have these signs are churches, schools, and commercial businesses. While the number of these signs is small in comparison to the non-digital signs found in the County, this particular type of sign is magnified in its appearance, particularly in the late evenings and at night.

According to section 26-180 (e) (3) of the Richland County Land Development Code, signs which animate, flash, or exhibit illusion are prohibited. Preparations have been made by staff to notify the establishments of the existing violations. The process for notification will consist of the zoning staff delivering notices of violation to each establishment found to be in violation of the above referenced section. The establishment will have ten days from the date of receipt of the notification to bring the sign into compliance. It is my intent to initiate the sweeps starting on Friday, 29 February 2008, unless further directed.

As a point of clarity, the LDC does not prohibit digital display signs. It is the visual effect of the sign by animation, flash, or illusion that creates the violation.

Citizens' Subcommittee for Animal Control Issues
908 Cedar Springs Road
Blythewood, SC 29016

February 21, 2008

The Honorable Norman Jackson, Chairman
Development and Services Committee
Richland County Council
PO Box 192
Columbia, SC 29202

Dear Councilman Jackson:

The Citizens' Subcommittee for Animal Control Issues serves at the request of Richland County Council as a citizens' advisory group. Milton Pope advised us that your Committee will be considering possible changes to the County's vicious animal ordinance and requested we make recommendations to you on that and other related issues.

Our Subcommittee recommendations are as follows:

1. We believe no changes are needed at this time to the vicious dog ordinance. It is adequate when responsible pet ownership is practiced. When pet owners are not responsible, it provides a means to impound the animal and due process for the owner through the Magistrate's Court. In addition to the County ordinance, there is a state statute on dangerous dogs. Both the ordinance and the state statute are enclosed.

B. Our committee supports the American Kennel Club (AKC) position against breed bans. Recently we sent each Council member an information package from the AKC that explains in detail why a breed ban is unwarranted. Here is a brief summary statement on the issue from the AKC:

"The American Kennel Club (AKC) supports reasonable, enforceable, non-discriminatory laws to govern the ownership of dogs. We support laws that: establish a fair process by which specific dogs are identified as "dangerous" based on stated, measurable actions; impose appropriate penalties on irresponsible owners; and establish a well-defined method for dealing with dogs proven to be dangerous. The AKC strongly opposes any legislation that determines a dog to be "dangerous" based on specific breeds or phenotypic classes of dogs."

C. Our committee has not taken a formal position on limitations on the number of pets a citizen should be permitted to own.

D. The County immediately should seek options to Animal Care's current use of Critter Cabin to provide humane care of animals until the new City shelter addition is available. The County no longer has a lease on the building and this could leave the County in a crisis situation if the Critter Cabin owner decides to sell the building or rent it to a new tenant.

Thank you for giving the Subcommittee an opportunity to provide input in this process. Please contact me if you have any questions or need more information about our recommendation.

Sincerely,

A handwritten signature in cursive script that reads "Peggy O'N Wilson". The signature is written in black ink and is positioned above the typed name.

Peggy O'N Wilson, Chair
Citizens' Subcommittee for Animal Control Issues

Enclosures

cc: Milton Pope

Richland County Ordinance

Sec. 5-4. Dangerous or vicious animals.

(a) No person owning or harboring or having the care or the custody of a dangerous animal may permit the animal to go unconfined on his premises. A dangerous animal is unconfined as the term is used in this section if the animal is not securely confined indoors or confined in a securely enclosed and locked pen or "run" area upon the person's premises. The pen or run area also must have either: 1) sides six (6) feet high, or 2) a secure top. If the pen or structure has no bottom secured to the sides, the sides must be imbedded into the ground at a depth of no less than one (1) foot. However, the provisions of this section shall not apply to any animal that is owned by a licensed security company and is on patrol in a confined area.

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

(1) Any animal with a propensity, tendency or disposition to attack, to cause injury to, or to otherwise endanger the safety of human beings or other domestic animals; or

(2) Any animal which attacks a human being or other domestic animal one or more times without provocation whether or not such attack occurs on the premises of the animal's owner; or

(3) An animal owned or harbored primarily or in part for the purpose of animal fighting or an animal trained for animal fighting.

(c) Any animal that has been determined to be a dangerous or vicious animal may be impounded by the Animal Care Department. Such animals shall not be euthanized unless the owner has surrendered the animal to the animal shelter and has completed and signed a surrender form or until a hearing is held before an appropriate magistrate and the magistrate has determined that the animal should be euthanized. However, if the magistrate has determined that the owner may redeem the animal, the Animal Care Department shall release the animal upon receipt of all redemption fees as described in Section 5-14, below. If the owner does not pay the redemption fees within five (5) days of the magistrate's order, the animal shall become the property of the animal shelter and may be euthanized.

(Ord. No. 066-04HR, § 1, 10-28-04)

S.C. Code of Laws

ARTICLE 13. REGULATION OF DANGEROUS ANIMALS

SECTION 47-3-710. Definitions. [SC ST SEC 47-3-710]

(A) As used in this article "dangerous animal" means an animal of the canine or feline family:

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

(2) which:

(a) makes an unprovoked attack that causes bodily injury to a human being and the attack occurs in a place other than the place where the animal is confined as required by Section 47-3-720; or

(b) commits unprovoked acts in a place other than the place where the animal is confined as required by Section 47-3-720 and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to a human being;

(3) which is owned or harbored primarily or in part for the purpose of fighting or which is trained for fighting.

(B) "Dangerous animal" does not include:

(1) an animal used exclusively for agricultural purposes; or

(2) an animal which attacks a person who is trespassing or who appears to be trespassing. A trespasser is a person who is not lawfully upon the premises of the owner, as set forth in Section 47-3-770(A).

(C) An animal is not a "dangerous animal" solely by virtue of its breed or species.

(D) As used in this article "owner" means a person who owns or has custody or control of the animal.

(E) As used in this article, "injury" or "bodily injury" means (1) broken bones, (2) lacerations, (3) punctures of the skin, or (4) any physical injury resulting in death.

ATTORNEY GENERAL'S OPINIONS

All violations of Sections 47-3-710 et seq. of the Code, relative to dangerous dogs, would be within the jurisdiction of a magistrate's court. 1989 Op Atty Gen, No. 89-138, p 375.

A magistrate would have jurisdiction to render a judgment in an amount greater than \$2,500.00 for expenses in association with a criminal proceeding brought pursuant to Sections 47-3-710 et seq. of the Code. 1989 Op Atty Gen, No. 89-138, p 375.

Municipal courts appear to have jurisdiction to try second or subsequent offense "dangerous dog" cases. 1989 Op Atty Gen, No. 89-138, p 375.

Municipalities would not be authorized to enact ordinances similar to Sections 47-3-710 et seq. where the penalty provisions establish fines of \$1,000.00. 1989 Op Atty Gen, No. 89-138, p 375.

SECTION 47-3-720. Dangerous animal not to go unconfined on premises; "unconfined" defined; exceptions. [SC ST SEC 47-3-720]

No person owning or harboring or having the care or the custody of a dangerous animal may permit the animal to go unconfined on his premises. A dangerous animal is "unconfined" as used in this section if the animal is not confined securely indoors or confined in a securely enclosed fence or securely enclosed and locked pen or run area upon the person's premises. The pen or run area must be clearly marked as containing a dangerous animal and must be designed to prevent the entry of the general public, including children, and to prevent the escape or release of the animal. However, this section does not apply to an animal owned by a licensed security company and on patrol in a confined area.

SECTION 47-3-730. Dangerous animal not permitted beyond premises unless safely restrained. [SC ST SEC 47-3-730]

No person owning or harboring or having the care of a dangerous animal may permit the animal to go beyond his premises unless the animal is safely restrained and the requirements of Section 47-3-760(E) are met.

SECTION 47-3-740. Owning or harboring animal for fighting or attacking humans or domestic animals prohibited; selling, breeding, buying or attempting to buy, or intent to do same, prohibited; exceptions. [SC ST SEC 47-3-740]

(A) No person may own or harbor an animal for the purpose of fighting or train, torment, badger, bait, or use an animal for the purpose of causing or encouraging the animal to unprovoked attacks upon human beings or domestic animals.

(B) No person may possess with intent to sell, offer for sale, breed, or buy or attempt to buy a known dangerous animal; however, this subsection does not apply to a person who is licensed to possess and breed an animal under the classifications specified and regulated by the United States Department of Agriculture under the Animal Welfare Act as codified in Title 7 of the United States Code.

SECTION 47-3-750. Seizure and impoundment of dangerous animal. [SC ST SEC 47-3-750]

(A) If a law enforcement agent, animal control officer, or animal control officer under contract with a county or municipal government to provide animal control services has probable cause to believe that a dangerous animal is being harbored or cared for in violation of Section 47-3-720 or 47-3-740 or 47-3-760(E), the agent or officer may petition the court having jurisdiction to order the seizure and impoundment of the dangerous animal while the trial is pending.

(B) If a law enforcement agent, animal control officer, or animal control officer under contract with a county or municipal government to provide animal control services has probable cause to believe that a dangerous animal is being harbored or housed in violation of Section 47-3-730, the agent or officer may seize and impound the dangerous animal while the trial is pending.

SECTION 47-3-760. Penalties; registration of dangerous animals. [SC ST SEC 47-3-760]

(A) A person who violates Section 47-3-720 or 47-3-730 or subsection (E) of this section or who is the owner of a dangerous animal which attacks and injures a domestic animal is guilty of a misdemeanor and, upon conviction, for a first offense, must be fined not more than two hundred dollars or imprisoned not more than thirty days and, upon conviction of a subsequent offense, must be fined one thousand dollars none of which may be suspended or remitted.

(B) A person who is the owner of a dangerous animal which attacks and injures a human being in violation of Section 47-3-710(A)(2)(a) or a person who violates Section 47-3-740:

(1) for a first offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than three years;

(2) for a second or subsequent offense, is guilty of a felony and, upon conviction, must be fined not more than ten thousand dollars or imprisoned not more than five years.

(C) A dangerous animal which attacks a human being or domestic animal may be ordered destroyed when in the court's judgment the dangerous animal represents a continuing threat of serious harm to human beings or domestic animals.

(D) A person found guilty of violating this article shall pay all expenses, including, but not limited to, shelter, food, veterinary expenses for boarding and veterinary expenses necessitated by the seizure of an animal for the protection of the public, medical expenses incurred by a victim from an attack by a dangerous animal, and other expenses required for the destruction of the animal.

(E) A person owning a dangerous animal shall register the animal with the local law enforcement authority of the county in which the owner resides. The requirements of the registration must be determined by the county governing body. However, the registration application must be accompanied by proof of liability insurance or surety bond of at least fifty thousand dollars insuring or securing the owner for personal injuries inflicted by the dangerous animal. The county governing body shall provide to the owner registering the dangerous animal a metal license tag and a certificate. The metal license tag at all times must be attached to a collar or harness worn by the dangerous animal for which the certificate and tag have been issued.

(F) Nothing in this chapter is designed to abrogate any civil remedies available under statutory or common law.

SECTION 47-3-770. When person is lawfully on premises; authority to use force to repel attack by dangerous animal when lawfully on premises; no liability for action taken to repel or restrain unprovoked attack of dangerous animal. [SC ST SEC 47-3-770]

(A) A person lawfully is upon the premises of the owner within the meaning of this article when he is on the premises in the performance of a duty imposed upon him by the laws of this State, by the laws or postal regulations of the United States, when he is on the premises upon invitation, expressed or implied, of the owner, or when he is in the performance of a duty relative to public safety, which includes policemen, firemen, or other authorized personnel. A person may ingress to and egress from the premises for a purpose connected with the performance of the public safety duty.

(B) A person who lawfully is on the owner's premises and who is attacked by a dangerous animal or witnesses the attack may use reasonable force to repel the attack. A person is not liable in damages or otherwise for action to repel or action taken to restrain or control an animal from an unprovoked attack.



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FIGHT ANIMAL CRUELTY

Breed Specific Legislation

Are Breed-Specific Laws Effective?

Dealing with Reckless Owners and Dangerous Dogs in Your Community

When it comes to laws that regulate "dangerous dogs," there is at least one fact that is hard to dispute: Dogs permitted by their owners to run loose and dogs who attack people or other animals are real and often serious problems in communities across the country. The more vexing and contentious issue arises in figuring out how to best address this. While many states, including New York, Texas and Illinois, favor laws that identify, track and regulate dangerous dogs regardless of breed and prohibit "breed-specific" laws that either regulate or ban a certain breed of dog, some local governments have enacted breed-specific laws. However, the problem of "dangerous dogs" will not be remedied by the "quick fix" of breed-specific laws.



There is no evidence that breed-specific laws—which are costly and difficult to enforce—make communities safer for human families or for the companion animals who are a part of so many households. And it turns out, such laws also have negative and wholly unintended consequences.

For example, a task force formed in 2003 to study the effectiveness of the Prince George County, Maryland, pit bull ban estimated that the county spends more than \$250,000 each year to enforce the ban. Further, in a report to the County Council, the task force noted that "public safety is not improved as a result of [the ban]," and that "there is transgression committed by owner or animal that is not covered by another, non-breed-specific portion of the Animal Control Code (i.e., vicious animal, nuisance animal, leash laws)." The task force recommended that Prince George's County repeal the ban.

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Breed-specific laws also cause unintended hardship to responsible owners of entirely friendly, properly supervised and well-socialized dogs who happen to fall within the regulated breed category. Regulated breeds, it is worth noting, have expanded in some localities to include not just American pit bull terriers, American Staffordshire terriers, Staffordshire bull terriers, bull terriers and Rottweilers, but also a variety of other breeds including American bulldogs, mastiffs, Dalmatians, Chow chows, German shepherds, Doberman pinschers and mix of these breeds. Although these dog owners have done nothing to endanger the public, they may be required to comply with onerous regulations. Sadly, responsible caretakers may be forced to choose between costly compliance and giving up their beloved compa

Moreover, in their study of human fatalities resulting from dog bites, the United States Centers for Disease Control (CDC) did not support the breed-specific approach. They cited, among other problems, the inaccuracy of dog bite data and the difficulty in identifying dog breeds (especially true of mixed breeds). They also noted the likelihood that as certain breeds are regulated, those who exploit dogs by making them aggressive will merely turn to other, unregulated breeds.

Significantly, the CDC also noted how many other factors beyond breed may affect a dog's tendency toward aggression—things such as heredity, sex, early experience, reproductive status and socialization and training.

These last two concerns seem well-founded given that more than 70 percent of all dog bite cases involve unneutered male dogs, and that an unneutered male dog is 2.6 times more likely to bite than is a neutered dog. In addition, a chained or tethered dog is 2 times more likely to bite than a dog who is not chained or tethered. Further, 97 percent of dogs involved in fatal dog attacks in 2006 were not spayed/neutered; 78 percent were maintained not as pets but rather for guarding, image enhancement, fighting or breeding and 84 percent were maintained by reckless owners—abused or neglected, not humanely controlled or contained, or allowed to interact with children unsupervised.

Perhaps the most unintended yet harmful consequence of breed-specific laws is their tendency to compromise rather than enhance public safety. When limited animal control resources are used to regulate or ban a certain breed of dog, without regard to behavior, the focus is shifted away from routine, effective enforcement of laws that have the best chance of making our communities safer: dog license laws, leash laws, animal fighting laws, anti-tethering laws, laws facilitating spaying and neutering and laws that require dog owners to control their dogs, regardless of breed.

Unfortunately, these laws are often only enforced when a tragedy occurs, rather than as a routine function of law enforcement and animal control.

Solutions

Recognizing that the problem of dangerous dogs requires serious attention, the ASPCA seeks effective enforcement of breed-neutral laws that hold dog owners accountable for the actions of their animals. The ASPCA believes that this is the most reliable way to control aggressive dogs and reckless owners.

Ideally, this breed-neutral scheme should include the following:

- **Enhanced enforcement of dog license laws**, with adequate fees to augment animal control budgets and surcharges on ownership of unaltered dogs to help fund low-cost pet sterilization programs in the communities in which the fees are collected. To ensure a high licensing rate, Calgary, Canada—its animal control program funded entirely by license fees and fines—imposes a \$250 penalty for failure to license a dog over three months old.
- **Enhanced enforcement of leash/dog-at-large laws**, with adequate penalties to ensure that the laws are taken seriously and to augment animal control funding.
- **Dangerous dog laws that are breed-neutral and focus on the behavior of the individual dog**, with mandated sterilization and microchipping (or another permanent identification) of dogs deemed dangerous, and options for mandated muzzling, confinement, adult supervision, training, owner education and, in aggravating circumstances—such as when the owners cannot adequately control the dog or where the dog causes unjustified injury—euthanasia. In Multnomah County, Oregon, a breed-neutral ordinance imposing graduated penalties on dogs and owners according to the seriousness of the dogs' behavior has reduced re-injurious bites from 25 percent to 7 percent.
- **Laws that hold dog owners financially accountable for failure to adhere to animal control laws**, as well as civilly and criminally liable for unjustified injury or damage caused by their dogs. Calgary has reduced reported incidents of dog aggression by 56 percent, and its bite incidents by 21 percent, by requiring owners of dogs who have displayed dog aggression or human aggression to pay fines ranging from \$250 to \$1500.
- **Laws that prohibit chaining or tethering**, coupled with enhanced enforcement of animal cruelty and animal fighting laws. Lawrence, Kansas, has significantly reduced dog fighting and cruelty complaints by enacting an ordinance that prohibits tethering a dog for over one hour.
- **Laws that mandate the sterilization of shelter animals** and make low-cost sterilization services widely available.

For help in drafting animal control laws, contact the ASPCA Legislative Services Department at legislativeservices@aspca.org.

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CMRTA DISSOLUTION/REMOVAL OF MEMBERS

- Both the Agreement establishing the CMRTA and the CMRTA by-laws state that dissolution shall be according the State statute (section 58-25-30(5)).
- Section 58-25-10 et seq. of the South Carolina Code of Laws is the “Regional Transportation Authority Law”, which allows for creation and dissolution of a regional transit authority.
- Section 58-25-30(5) states “Dissolution of the authority created pursuant to this chapter must be in the same manner as that for creation of the authority as set forth in this chapter. All resources of the authority including, but not limited to, real and personal property, structures, improvements, buildings, equipment, plants, rolling stock, vehicle improvements, vehicle parking, or other facilities or rights-of-way must be disposed of and the proceeds distributed among the authority’s government members proportionate to their financial contribution.”
- Thus, dissolution shall be by agreement of the majority of the governing bodies of general purpose local governments within the service area which include at least 90% of the population of the service area (58-25-30(2)).
- The membership of the Board must be apportioned among the member municipalities and counties proportionate to population within the authority’s service area. No member government, regardless of population, may have less than one member on the Board (section 58-25-40(1)). There is no statute or by-law which would allow for the removal of a member if their respective governmental entity does not fund the CMRTA. In fact, the statute clearly states that each government must have at least one member. Additionally, there is no provision in the Agreement which requires any member to fund the CMRTA.

CREATION OF A REGIONAL TRANSIT AUTHORITY

- The steps for creation of a regional transit authority are also outlined in sections 25-25-10 et seq.
- If Richland County desires to be the only member of the authority then the transit can ONLY run in the UNINCORPORATED areas of the County. If the transit is to run in any incorporated area, then those municipalities would also have to be members (section 58-25-35). The area to be served must include at least 50,000 people.
- Generally, a plan of service must be prepared. It must be consistent with adopted transportation plans for the area to be served and must include:
 - 1) The area to be served.

- 2) The procedures to be used to serve the area.
 - 3) The estimated capital and operating cost by year for the first five years of operation, and a funding mechanism for operation.
 - 4) Funds necessary for the 1st year capital and operating costs.
- If a new source of funding, such as a tax, is to be used, then the question of establishing the authority must be submitted to the qualified electors for a vote.