

Chapter 3 - ANIMALS

Sec. 3-1. - Animal control officer.

- a) The animal control officer, should one be either designated or employed, will operate under the supervision of the police department, and is vested with the authority to enforce and otherwise administer the provisions of this chapter.
- b) The animal control officer is hereby authorized and empowered to follow and enter upon any enclosure or lot, public or private, within the city, in the quest of any animal which the animal control officer has reasonable cause to believe is rabid, abused, neglected, abandoned or dangerous, and the animal is an immediate danger to others, or is in immediate danger of injury or loss of life itself, to take custody of the animal to achieve the purposes of this chapter. Such entry upon private property shall not be deemed to be a trespass. The animal control officer, with the assistance of police officers, may obtain a search warrant to enter any premises upon which there is probable cause to believe that violation of this chapter exists. With the search warrant, the animal control officer and police officers may enter the premises to examine and take custody of animals whenever the animal control officer determines the action is appropriate to achieve the purposes of this chapter. Such entries are authorized so long as they are otherwise consistent with the state constitution and the United States Constitution.
- c) No person shall interfere with or hinder the animal control officer in the performance of the duties created under this chapter. No attempt to assist the animal control officer is authorized without the animal control officer's consent.
- d) Police officers shall have authority to take whatever steps may be necessary to control, repel or dispose of dangerous dogs or other animals if, in the police officer's discretion, any such authorized action is necessary.

(Reference SC Code title 47)

Sec. 3-2. - Fines, etc., a lien on animal

All penalties, fines, and costs, incurred by reason of violation of this chapter shall constitute and be a lien upon such animal or animals.

Sec. 3-3. - Disposition of fines.

All fines collected under this chapter shall be placed in the city's general fund.

Sec. 3-4. - Disposition of dead animals or fowl.

- a) Every person in whose possession any animal or fowl of any kind dies within the city limits shall, immediately upon the death of such animal or fowl, dispose of the body of such animal in accordance with rules and regulations promulgated by the sanitation supervisor.
- b) Rules and regulations regarding disposal of bodies of dead animals shall be promulgated by the sanitation supervisor and a copy of same filed in the office of the municipal clerk.
- c) Deceased animals disposed of by animal control shall not be sold or given to a rendering facility, laboratory, or research facility.

State Law referenced: *Health and sanitation in relation to animals, S.C. Code 1976, § 47-13-3 et seq.*

Sec. 3-5. - Possession of wild, exotic, or endangered animals

- a) No person shall keep or be permitted to keep on his premises any wild, exotic, or endangered animal for sale, hire, display or for exhibition purposes whether gratuitously or for a fee. This section shall not be construed to apply to zoological parks, performing animal exhibitions, or circuses.
- b) No person shall keep or be permitted to keep any wild, exotic, or endangered animal as a pet.
- c) For the purposes of this section, wild or exotic animal includes, but is not limited to, any member of the following families, including hybrids thereof, which, due to their inherent nature, may be considered dangerous to humans, and further defined as follows:

Classes of Mammals

- a. Order of Artiodactyl (hippopotamuses, giraffes, camels, deer, not cattle or swine or sheep or goats).
- b. Order Carnivora.
 - i. Family Felidae (lions, tigers, cougars, leopards, ocelots, servals, not domestic cats).
 - ii. Family Canidae (wolves, coyotes, foxes, jackals, or hybrids of same, not domestic dogs).
 - iii. Family Ursidae (all bears).
 - iv. Family Mustelidae (weasels, skunks, martins, minks, not ferrets).
 - v. Family Procyonidae (raccoons, coatis).
 - vi. Family Hyaenidae (hyenas).
 - vii. Family Viverridae (civets, genets, mongooses, binturongs).

- c. Anteaters, armadillos, and sloths.
- d. Order Marsupialia (opossums, kangaroos, wallabies, not sugar gliders).
- e. Order Perissodactyla (rhinoceroses, tapirs, not horses or donkeys or mules).
- f. Order Primates (lemurs, monkeys, chimpanzees, gorillas).
- g. Order Proboscidea (elephants).

Classes of Reptiles

- h. Order Squamata.
 - i. Family Varanidae (only water monitors and crocodile monitors).
 - ii. Family Iguanidae (only green iguanas and rock iguanas).
 - iii. Family Boidae (all species the adult length of which has the potential to exceed eight feet in length).
 - iv. Family Colubridae (only boomslangs and African twig snakes).
 - v. Family Elapidae (such as coral snakes, cobras, mambas, etc.), all species.
 - vi. Family Natricidae (only keelback snakes).
- i. Family Viperidae (such as copperheads, cottonmouths, rattlesnakes, etc.), all species.
- j. Order Crocodylians (such as crocodiles, alligators, caimans, gavials, etc.), all species.

Class Aves

- k. Order Struthioniformes, (Ostrich), all species.
- l. Order Casuariiformes, Family Dromiceidae (Emu and Cassowary), all species.
- m. **Penalty** . A violation of section 3-5 shall be punishable by a fine of \$100.00 or 30 days in jail or both together with court costs.

Endangered Animals: for the purposes of this section, the term "endangered animal" means any animal or hybrid thereof that has been classified as endangered by the federal government.

Sec. 3-6. - Prohibitions and restriction of animals in public places.

- a) No owner, keeper or other person having control or supervision of an animal shall permit an animal, whether restrained or not, to be in an area in which a special event is being held pursuant to a special event permit issued or in a public park during organized play and/or practice under the ordinances of this Code.
- b) Exceptions to this section shall include service dogs trained and identified by specialized equipment or other markings; police dogs on duty; leashed and orderly dogs at city events unless otherwise indicated for the event; and animals specifically noted in the special events application, i.e., petting zoos, pony rides, specific animal events in which the animal is entered or invited, etc.

Sec. 3-7. - Removal of feces from public and private property

- a) Any owner, keeper or other person having control or supervision of an animal must remove promptly all feces left by the animal on any street, sidewalk, parking lot, public park, school ground or on private property other than the premises of the owner or person having custody of the animal.
- b) Feces may not be deposited in sewers or drains, whether storm or sanitary, but must be bagged and placed in a proper garbage receptacle established for public use or belonging to the owner of the animal.
- c) Exceptions to this section are equines or other livestock participating in a special event permitted parade or other events.

LIVESTOCK

Sec. 3-8. - Possession of livestock.

- a. No person, without a permit, shall keep or be permitted to keep on his premises any animal defined as livestock for sale, hire, slaughter or other food source, competition, display or for exhibition purposes whether gratuitously or for a fee unless otherwise allowed by applicable zoning. This section shall not be construed to apply to zoological parks, equestrian parks, performing animal exhibitions, circuses, licensed farmers markets, licensed pet stores or farm supply stores, the raising or keeping of domesticated female chickens, or animals in a legally permitted parade.
- b. For this section, livestock shall be construed to include cattle, horses, mules, asses, swine, potbelly pigs, sheep and goats, roosters, turkeys, ducks, guineas, pheasants, pigeons or other domestic fowl.
- c. This section does not apply to livestock that was present upon property when it was annexed into the city. However, upon permanent removal of the existing livestock, no additional livestock may be placed upon the property unless otherwise allowed by applicable law.
- d. Livestock shall be enclosed with adequate fences or barriers that will prevent such livestock from damaging adjacent property. Such fences or barriers shall be sufficient to prevent the livestock from escaping the enclosure. Livestock enclosures shall be always kept in a neat and sanitary condition, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact.
- e. It shall be unlawful for an owner to allow any livestock to run at large within the corporate limits of the city. To ensure the public safety and avoid serious traffic accidents, any livestock that is in danger of getting on a public roadway can be tranquilized if possible, or in extreme cases destroyed, by police or animal control officers. The city and its officers will not be held liable for damages to the owner of said livestock.
- f. It shall be unlawful to keep livestock on premises within the city without first obtaining a permit. Any permit would be subject to ordinance revisions adopted by council. Should council amend the ordinance to prevent livestock or any other new conditions, such amendment would apply to current permits within 30 days from the date of adoption of council's revisions.

- g. Permit. The permit to keep livestock is personal to the permittee and may not be assigned. In addition, the permit authorizes the keeping of livestock only upon the property described in the permit. The permittee must occupy the residence on the property where the livestock are kept as the permittee's personal, primary residence. An applicant for a permit must either own the property or have permission from the property owner to be eligible for a permit. Only one permit is allowed per permittee. In the event the permittee is absent from the property for longer than 30 days, the permit automatically shall terminate and become void. A permit that is issued to a person whose property is subject to private restrictions that prohibit the keeping of livestock is void. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.
- h. Application for permit. Every applicant for a permit to keep livestock shall:
- 1) Complete and file an application on a form prescribed by the city.
 - 2) The city shall issue a permit if the applicant has demonstrated compliance with the criteria and standards in this section.
 - 3) A permit to keep livestock may be suspended or revoked by the city where there is a risk to public health or safety or for any violation of or failure to comply with any of the provisions of any other applicable ordinance or law. Any denial, revocation or suspension of a permit shall be in writing and shall include notification of the right to and procedure for appeal.

Sec. 3-8.1 Horse and livestock on land of five acres or greater.

a) Property, under single ownership are permitted to keep horses and livestock with a permit providing the following criteria are met:

- 1) Each horse kept shall have a dedicated 2-acre minimum fenced pasture
- 2) Each cow shall have a minimum of 1.8 acres as recommend by the USDA
- 3) The fence shall be setback a minimum of 20 feet from all abutting property lines
- 4) Locations with multiple species of livestock, horses, or a combination of the same must provide adequate grazing space per recommendations from the USDA and approval of the city of Landrum
- 5) A survey of the property shall be submitted to the city administration clearly illustrating the boundaries of the pasture areas before the animals can be placed on the property, or a permit issued.

Penalty. A violation of section 3-8 shall be punishable by a fine of \$100.00 or 30 days in jail or both together with court costs.

Sec. 3-9. - Raising or keeping of domestic chickens

- a) The keeping of domesticated female chickens shall be in compliance with the following, in addition to any zoning and/or building regulations that may be applicable to the construction of coops and:
- 1) No more than six domesticated female chickens shall be kept or maintained on a single premises. It shall be unlawful to keep roosters or more than six domesticated female chickens. It shall be unlawful to keep or maintain domesticated female chickens at a duplex or apartment complex.
 - 2) Such domesticated female chickens must be confined in a coop which is fully enclosed and made of suitable, washable material. The coop shall be cleaned regularly with all droppings and excretions placed in a fly-proof container unless otherwise disposed of in accordance with any federal, state or local health regulations.
 - 3) The chicken coop must be located at least 50 feet from the nearest residence other than that of the owner.
 - 4) No coop shall be placed in a front or side yard.
 - 5) Failure to confine the domesticated female chickens, maintain the coop or manage the droppings and excretions in compliance with this section shall be unlawful.
 - 6) It shall be unlawful to raise domesticated female chickens for commercial purposes within the corporate limits of the city.
 - 7) It shall be unlawful to keep domesticated female chickens on premises within the city without first obtaining a permit. Any permit would be subject to ordinance revisions adopted by council. Should council amend the ordinance to prevent domesticated female chickens or any other new conditions, such amendment would apply to current permits within 30 days from the date of adoption of council's revisions.
- b) Permit. The permit to keep domesticated female chickens is personal to the permittee and may not be assigned. In addition, the permit authorizes the keeping of domesticated female chickens only upon the property described in the permit. The permittee must occupy the residence on the property where the domesticated female chickens are kept as the permittee's personal, primary residence. An applicant for a permit must either own the property or have permission from the property owner to be eligible for a permit. Only one permit is allowed per permittee. In the event the permittee is absent from the property for longer than 30 days, the permit automatically shall terminate and become void. A permit that is issued to a person whose property is subject to private restrictions that prohibit the keeping of domesticated female chickens is void. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.

- c) Fenced chicken coop.
- 1) Domesticated female chickens must be always kept in a fenced enclosure. In addition to the fenced enclosure, domesticated female chickens shall be provided with a covered, predator-resistant chicken coop.
 - 2) A minimum of two square feet per domesticated female chicken shall be provided for the chicken coop.
 - 3) Fenced enclosures and chicken coops must be properly ventilated, clean, dry, and odor-free, always kept in a neat and sanitary condition, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact.
 - 4) The chicken coop and fenced enclosure must provide adequate ventilation and adequate sun, shade and must be constructed in a manner to resist access by rodents, wild birds and predators including dogs and cats.
 - 5) Chicken coops shall be enclosed on all sides and shall have a roof and doors. Opening windows and vents must be covered with predator- and bird-resistant wire of less than one-inch openings.
 - 6) All stored food for the domesticated female chickens must be kept either indoors or in a weather-resistant container designed to prevent access by animals. Uneaten food shall be removed daily.
- d) Application for permit. Every applicant for a permit to keep domesticated female chickens shall:
- 1) Complete and file an application on a form prescribed by the city.
 - 2) The city shall issue a permit if the applicant has demonstrated compliance with the criteria and standards in this section.
 - 3) A permit to keep domesticated female chickens may be suspended or revoked by the city where there is a risk to public health or safety or for any violation of or failure to comply with any of the provisions of any other applicable ordinance or law. Any denial, revocation or suspension of a permit shall be in writing and shall include notification of the right to and procedure for appeal.
- e) **Penalty.** A violation of this section shall be punishable by a fine of \$100.00 or 30 days in jail or both together with court costs.

Sec. 3-10. - Honey bees

Conditional Use Standards

- a) The keeping of honeybees may be permitted as an accessory use of a pre-existing single family residential use provided:
- b) The beekeeper shall live on the premise where bees are kept. Should the beekeeper move off premise, the colonies shall be removed.
- c) All beekeepers and managed colonies shall adhere to all state inspection laws and shall maintain apiaries that are inspectable by the South Carolina Department of Plant Industry (DPI) Apiculture Program.
- d) There shall be a maximum of five colonies, each with one queen.
- e) All managed colonies shall be kept in visually pleasing painted hives with removable frames, which shall be kept in sound and useable condition and always kept in a neat and sanitary condition, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact.
- f) No beekeeping equipment shall be placed in the front of the front building line(s) and shall be situated at least 15 feet from all property lines. No managed colony shall be within 40 feet of any main building on an adjacent lot.
- g) A flyway barrier at least six feet in height consisting of a solid wall, fence, dense vegetation, or combination thereof shall be installed parallel to the property line. The barrier shall extend ten feet beyond the colony in each direction.
- h) Each beekeeper shall ensure that a convenient source of fresh water is always available and unobstructed within 20 feet of the bees.
- i) All colonies shall be maintained with queens selected from European stock bred for gentleness and non-swarming characteristics. If a hive exhibits unusual defensive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition towards swarming, the beekeeper shall promptly re-queen the colony. Africanized honeybees or any hybrid involving the African species shall be prohibited.
- j) The hives of bees may not be manipulated between the hours of sunset and sunrise unless the hives are being moved to or from another location.
- k) Bee colonies shall be managed with proper integrated pest management (IPM) techniques to prevent invitation of pests and/or animals into the apiary. Each beekeeper shall ensure that no bee comb or other materials that might encourage robbing are left upon the grounds of the apiary site. Upon their removal from the hive, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.

- l) Swarm management techniques shall be implemented, including but not limited to required colony splitting and the removal of swarm cells to help prevent feral honeybee colonies.

Penalty. A violation of this section shall be punishable by a fine not to exceed \$500 or 30 days in jail or both together with court costs.

CARE

Sec. 3-11. - Definitions

- *Animal* or *animals* includes all living vertebrate creatures except *Homo sapiens*.
- *Medical attention* means obtaining veterinary care without delay if an animal is suffering from a disease condition or has been injured.
- *Shelter* means shelter that reasonably may be expected to protect the animal from physical suffering or impairment of health due to exposure to the elements or adverse weather. The shelter must be of proper size for the animal in that the animal must be able to stand or lie in a normal manner while in the shelter; and must have at minimum a roof, four sides and a floor with adequate bedding material in cold weather and an opening for ingress and egress; and must provide the animal with adequate protection and shelter from the cold and heat and from the direct effects of wind, rain, snow and sun. Building surfaces which meet animals in outdoor housing facilities must be impervious to moisture. Metal barrels, cars, refrigerators or freezers and the like must not be used as shelter structures.
- *Sustenance* means an adequate amount, provided at suitable intervals, of wholesome foodstuff suitable for the animal's species and age, sufficient to maintain a reasonable level of nutrition to allow for proper growth and weight, and constant access to a supply of clean, fresh, and potable water provided in a suitable manner for the species.

Sec. 3-12. - Acts of agents imputed to corporations

The knowledge and acts of agents and persons employed by corporations regarding animals transported, owned, or employed by or in the custody of such corporation shall be held to be the acts and knowledge of such corporation.

State Law reference— Similar provisions, S.C. Code 1976, § 47-1-20.

Sec. 3-13. - Confinement of animals.

- a) No animal, including dogs, cats or other domestic pets shall be tethered as a means of permanent stationary confinement. Any animals confined within a fenced yard must have an adequate space for exercise.
- b) Provided further that where animals are kept or housed on property without a fenced yard, the owner of such animals or persons having custody of such animals shall provide an enclosure for such animals.
- c) The animal shall be provided with shade and protection from the elements. Enclosures shall be maintained in a sanitary condition. Properly installed electronic dog-containment systems may be utilized provided the public is visually advised of its existence from the street and/or sidewalk.
- d) An animal shall not be considered enclosed by a fence or containment system or restrained when and if the animal can pass through, under or over the fence or the gate of the fence is not securely latched.
- e) An animal that can snap or bite a person through a fence or electronic containment system shall not be considered enclosed by the fence or restrained.

Penalty: Persons found in violation of this section will, upon their first offense, be given a warning and allowed five days to meet the requirement of this section. If after the fifth day the violation continues, a citation shall be issued. Upon a repeat offense by the same person, any animals under their control found in violation of this section, under the discretion of the animal control officer, may be impounded and placed in a safe harbor until ordered by the court to be released. The owner of the impounded animal(s) shall be responsible for any costs associated with the animal's placement.

This section does not apply to walking an animal on a hand-held leash.

Sec. 3-14. - Pet shops.

Police officers and animal control officers shall have the authority to conduct inspections of pet stores, to the extent not preempted by state law, to determine if there is any abuse of animals. Abuse of animals shall include any act described in this article or any other act that is detrimental to the well-being of the animal. It shall be unlawful for any pet store employee or pet store owner to violate this section.

DOGS

Sec. 3-15. - Definition

The term "dog" shall include all members of the canine family, four months or more of age, including foxes and other canines.

Sec. 3-16. - Unauthorized removal of tags

Except as otherwise provided, it shall be unlawful for any person to remove from the collar of a dog the metal tag thereto attached which was issued by a duly licensed veterinarian at the time of issuance of a certificate in accordance with this chapter.

Sec. 3-17. - Leashing

No dog shall be permitted from the premises of the owner or keeper of such dog unless such dog shall be on a leash held by a person over the age of 12 years and who shall have complete control of the dog. Such leash shall not exceed eight feet in length.

Sec. 3-18. Seizure, impoundment, reclaiming and destruction procedures.

- a) A police officer, dog catcher, or any person appointed for the purpose by the council shall take into custody and impound or cause to be taken into custody and impounded, and thereafter destroyed or disposed of as provided in this section, any dog running at large in the municipality or any dog within the city not wearing a current proper vaccination tag. This shall include any dog off the premises of the owner or the person keeping or harboring such dog unless such dog is restrained on a leash as provided in section 3-17.
- b) Any dog impounded by the municipality shall be detained for a period of five days for redemption by the owner. If such dog is not redeemed by the owner within such period of five days, it may be offered for sale to any member of the public or disposed of in such manner as the city deems appropriate. When the name and address of the owner appears on the collar of the dog, the city shall notify such owner in person or by mail within two days of the time the dog was seized.
- c) Any owner or the person keeping or harboring a dog which has been impounded may claim the dog upon paying the sum of \$10.00 during the first day of detention and thereafter the sum of \$5.00 for each subsequent day of detention and by procuring the necessary license and registration if the license and registration have not been previously obtained.

Sec. 3-19. - Nuisances; howling and vicious dogs

No person shall keep or have within the city a dog that habitually or repeatedly barks or howls in such a manner or to such an extent, that it is a public nuisance. Also, no person shall have or keep within the city a vicious dog that habitually or repeatedly chases, snaps at, attacks or barks at pedestrians, bicyclists, or vehicles.

Sec. 3-20. - Resisting or hindering health officer or police

It shall be unlawful for any person in the municipality to resist, hinder or oppose the health officer or any police officer of the municipality or any other person acting under their authority in the performance of any of the duties imposed upon them by this chapter.

Sec. 3-21. - Powers of police

Any police officer of the municipality shall have the power within his discretion to take up and confine or destroy any dog which he may have reason to believe is rabid, badly maimed or in violation of other sections of this chapter.

Sec. 3-22. - Keeping three or more dogs outside

Minimum standards required for keeping three or more dogs outside

- a) Kennel standards. Any person owning, maintaining, keeping, or harboring three or more dogs outside, whether for pleasure, exhibition, breeding or profit, upon his premises, shall provide a kennel facility in conformity with the minimum standards set forth in this section.
- b) Proximity of residences. No person shall operate such a facility with three runs within 100 feet of the residence of another. No person shall operate such a facility with more than three runs within 200 feet of the residence of another. A site plan must be submitted showing the following:
- c) Property acreage: Outdoor kennels shall be a minimum of 100 square feet per dog and constructed of a chain link fence no less than six feet in height with adequate safeguards against burrowing. No adversely attached barriers, partitions, or covering shall be utilized.
- d) Fenced enclosures must be properly ventilated, clean, dry, and odor-free, always kept in a neat and sanitary condition, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact.
- e) Identification and dimensions for any existing or proposed outdoor or indoor runs and exercise area also describing intended surfaces;
- f) Location of any existing wells or sewage treatment areas on site; and location of any water features on site (wetlands, streams, ditches, lakes). A wetland determination may be requested by the city as part of the application.
- g) Fence. A link wire fence enclosing the whole area to be used shall be erected with adequate safeguards against burrowing. It shall be not less than six feet in height.
- h) Units. Separate units shall be provided for each dog with an adequate exercise run, minimum of 100 square feet, including adequate shelter against the elements. Each unit shall have a concrete floor or similar surface with provision being made for proper drainage. Any such surface shall be sealed against moisture. Each unit shall be so designed as to be fully accessible for cleaning.
- i) Water. Water shall be available at the kennel facility and be provided for each unit.

- j) Cleanliness, etc. Each unit shall be thoroughly cleaned daily, and all necessary and reasonable safeguards shall be taken to prevent odors, infestation, and any unsanitary conditions.
- k) Temporary caretakers/foster homes. This section shall not apply to persons who are associated with a recognized rescue group and are registered with animal control as temporary caretakers/foster homes for animals. Dogs kept by temporary caretakers/foster homes must be kept in a fenced enclosure and in a fashion that complies with all other sections of this chapter. A maximum of three dogs may be kept in such temporary/foster status.
- l) Permit. No kennel facility shall be constructed or operated without an application having been made to the building and development standards department for a permit. No permit shall be issued to a rental unit without the written and notarized consent of the owner/management company. No permit shall be issued, except a temporary permit for construction, until a final inspection is made by the building and development standards department and the animal control officer. An annual inspection may be conducted by the animal control officer or a police officer to verify compliance.

Sec. 3-23. - Feral Cats

- a) Any person or organization, harboring, regularly feeding or having in their possession any feral cat, will assume legal ownership and all civil liability for said animal.
- b) An individual or organization who has legal ownership of any feral cat, is responsible for registering, any necessary health care and sterilization of each animal.
- c) A feral cat owner will be held criminally liable for abandonment or neglect if that person or organization has ceased to provide said animal with adequate food, water and has not registered and completed the necessary health care requirements, sterilization and vaccinations required by state law.
- d) It will be unlawful for any individual or organization to feed a feral cat in the corporate limits of the city, without assuming legal ownership, except when using food to bait and trap.
- e) No individual or organization shall be in possession or have ownership of more than six feral cats.

3-24. Penalties

Any violation of the animal codes, unless otherwise specifically specified in the code, shall be deemed a misdemeanor, punishable by the Landrum Municipal Court.

(1976 SC Code § 5-7-30, § 14-25-65)