

STATE OF SOUTH CAROLINA)
)
COUNTY OF SALUDA)

ORDINANCE NO. 03-23

AN ORDINANCE AMENDING CHAPTER 18, ARTICLE I OF THE CODE OF ORDINANCES, SALUDA COUNTY, SOUTH CAROLINA TO ADD SECTION 18-4, ANIMALS.

WHEREAS, Section 4-9-25 of the Code of Laws of South Carolina, 1976, as amended, gives Saluda County, South Carolina (“the County”), by and through the Saluda County Council, the power to enact regulations, resolutions, and ordinances that are necessary and proper for the security, general welfare, and convenience of the County and for the preservation of health, peace, order, and good government within; and

WHEREAS, Section 47-3-20 of the Code of Laws of South Carolina, 1976, as amended, gives the Saluda County Council the power to enact ordinances and promulgate regulations for the care and control of dogs, cats, and other animals and to prescribe penalties for violations of said ordinances; and

WHEREAS, Section 47-3-70 of the Code of Laws of South Carolina, 1976, as amended, gives the Saluda County Council the authority to prohibit animals from running at large; and

WHEREAS, in accordance with the powers conferred on it by the General Assembly, the Saluda County Council desires to provide its citizens with quality animal control services and wishes to reduce the population of unclaimed pets in the County through the adoption of an animal control ordinance; and

WHEREAS, to achieve this desire, the Saluda County Council wishes to amend Chapter 18, Article I of the Code of Ordinances, Saluda County, South Carolina to add the animal control ordinance attached hereto as Exhibit A as Section 18-4, Animals.

NOW THEREFORE, BE IT ORDAINED BY THE SALUDA COUNTY COUNCIL:

The animal control ordinance attached hereto as Exhibit A, which is incorporated by reference as if restated verbatim herein, is hereby adopted.

Chapter 18, Article I of the Code of Ordinances, Saluda County, South Carolina is hereby amended to include the attached and incorporated animal control ordinance as Section 18-4, Animals.

This Ordinance becomes effective immediately upon third reading and approval by the Saluda County Council.

Adopted this _____ day of _____ 2023.

Saluda County Council

James L. Moore, Chairman

ATTEST:

Regina H. Turner, Clerk to Council

First Reading: February 13, 2023

Second Reading: March 13, 2023

Public Hearing:

Third Reading:

DRAFT

Chapter 18
ARTICLE I. GENERAL

Sec. 18-4. Animal Control.

- (a) *Authority.* This article is enacted as authorized by the laws of the State of South Carolina, including South Carolina Code Sections 4-9-25, 4-9-30(14) and (17), 47-3-20, and 47-3-70, as amended.
- (b) *Definitions.* For the purpose of this chapter, the following terms shall have the meanings as indicated. Words used in the present tense shall include the future, words in the plural number shall include the singular number, words in the singular number shall include the plural number, and the use of any gender shall be applicable to all genders whenever the sense requires. The words “shall,” “will,” and “must” are mandatory, and the word “may” is permissive.
 - (1) *Adequate food and water* shall mean food and water, which is sufficient in amount and appropriate for the particular size, species, and breed of animal to prevent starvation, dehydration, or a demonstrable risk to the health of the animal from a lack of food or water.
 - (2) *Animal* shall mean a living vertebrate creature except a *homo sapien*.
 - (3) *Animal bite* shall mean an injury caused by the mouth and teeth of an animal. There may be bruising, lacerations, deep anatomic structure disruption, introduction of infectious agents, and envenomation (injection of toxin by a bite or sting).
 - (4) *Animal Control Office* shall mean any facility that is owned, maintained, leased, or contracted for by Saluda County, whether jointly with another governmental entity or solely by Saluda County, for the confinement and maintenance of dogs, cats, and other animals that come into its custody in the performance of its official duties and approved by the Saluda County Council and the Saluda County Sheriff’s Office for that purpose. As used herein, an Animal Control Office includes any shelters that are used for the temporary care and keeping of dogs, cats, and other animals that come into its custody prior to being transferred to another Animal Control Office for impoundment, housing, or other services.
 - (5) *Animal Control Officer* shall mean the enforcement officers commissioned by the Saluda County Sheriff under the laws of the State of South Carolina whose duties include the enforcement of the provisions of this chapter.
 - (6) *Bodily injury* shall include broken bones, lacerations, punctures of the skin, any physical injury, or death.
 - (7) *Council* shall mean the County Council of Saluda County, South Carolina.

- (8) *County* shall mean Saluda County, South Carolina.
- (9) *County veterinarian* shall mean a Doctor of Veterinary Medicine licensed in South Carolina that, via contract or as an employee, provides veterinary services at an Animal Control Office.
- (10) *Dangerous animal* shall mean any animal falling within the scope of the definition of “dangerous animal” set forth in Section 18.4(k)(3)(i) herein, with the exclusion of those identified in Section 18.4(k)(3)(ii), and those animals deemed to be dangerous by a court of competent jurisdiction pursuant to Section 18-4(3)(iv) or other applicable local, state, or federal laws.
- (11) *Domestic animal* shall mean any animal which shares the genetic makeup and/or physical appearance of its ancestors which have been historically bred and used for human companionship and service.
- (12) *Euthanasia* shall mean putting an animal to death in a humane and painless manner by approved lethal injection.
- (13) *Feral* shall mean a domestic animal that has been born, raised, or has adapted to the behavior of a wild animal.
- (14) *Health department* shall mean the appropriate office of the South Carolina Department of Health and Environmental Control serving Saluda County.
- (15) *Humane care* shall mean, but is not limited to, the provision of adequate food and water consistent with the normal requirements and feeding habits of the size, species, and breed of animal.
- (16) *Livestock* shall mean any domestic animal raised in an agricultural setting to produce labor and commodities.
- (17) *Magistrate* shall mean a Saluda County Magistrate or Summary Court Judge.
- (18) *Microchipped* shall mean to have implanted under the skin a microchip, or similar device, which provides evidence of ownership. A microchip is electronic equipment consisting of a small, integrated circuit allowing the identification of the animal’s owner.
- (19) *Owner* shall mean any person who:
 - (i) Has a right of property in an animal;
 - (ii) Keeps or harbors an animal or who has it in his care or acts as its custodian;
or
 - (iii) Permits an animal to remain on or about any premises occupied by him.

- (20) *Pet* shall mean any domestic animal kept for companionship or pleasure which may be legally owned by a private citizen without special permit or permission.
- (21) *Shelter* shall mean a structure, or other means of protection, 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.
- (22) *Sheriff* shall mean the executive director of the Saluda County Sheriff's Office or the Sheriff's designee.
- (23) *State* shall mean the State of South Carolina.
- (24) *Sterilized* shall mean spayed or neutered to prevent reproduction or offspring.
- (25) *Tattoo* shall mean any permanent identification of any domestic animal by means of permanent ink.
- (26) *Wild animal* shall mean any animal which shares the genetic makeup and/or physical appearance of its ancestors which have not been historically bred and used for human companionship and service. Such animals shall include any nonhuman primate, raccoon, skunk, fox, ferret, poisonous or nonpoisonous snakes, leopard, tiger, lynx, wolf, or other animals which are normally found in the wild. Such animals shall also include wild/domestic hybrids.

(c) *Enforcement.*

(1) In general.

- (i) An Animal Control Officer shall have the authority to impound animals whose owners are in violation of Section 18.4. All animals are considered impounded at the time of seizure or capture, except for dangerous animals as provided in Section 18.4(c)(5).
- (ii) An Animal Control Officer shall have the authority to enter upon any public or private property in the county when investigating a complaint or when conducting any other reasonable suspicion or probable cause investigation. Absent consent to search by the property owner or exigent circumstances, the Animal Control Officer shall not enter an enclosed building on private property without first contacting the proper court for the proper warrant, order, or other document of authority. Once obtained, the Animal Control Officer may enter the premises necessary based upon the specifics of the warrant, order, or other document of authority.

- (2) In addition to, or in lieu of impounding a dog, cat, or other animal found in violation of Section 18.4(c) through Section 18.4(j), any Animal Control Officer or Saluda County Sheriff's Deputy may issue to the known owner of such dog, cat, or other animal a citation and/or notice to appear before a magistrate.
- (3) It shall be unlawful for any person to interfere with, oppose, resist, hinder, or molest any Animal Control Officer in the performance of the officer's duties or to seek to release any animal in the officer's possession without the officer's consent.
- (4) It shall be the duty of the Sheriff to keep accurate and detailed records of impoundments, seizures, and dispositions of all animals coming into the county's custody and to file a report on such matters with the County Administrator or his/her designee upon request.
- (5) Dangerous animal custody and impoundment.
 - (i) If, in the course of investigating potential violations of Section 18.4, an Animal Control Officer encounters an animal which the officer has probable cause to believe is a dangerous animal as defined herein and is not properly confined as required by Section 18.4(k)(3), the Animal Control Officer may immediately take temporary custody of the animal to protect the health, safety, and general welfare of the public.
 - (ii) Within twenty-four (24) hours of taking temporary custody of an animal under the provisions of Section 18.4(k)(3), or within twenty-four (24) hours of the Saluda County Magistrate being available, the Animal Control Officer shall appear before the magistrate and present evidence supporting the need for the animal to remain in the custody of an Animal Control Office until disposition of all pending cases. The magistrate shall determine if there is probable cause to impound the animal because it is being harbored or cared for in violation of Section 18.4(k)(3) or S.C. Code Ann. §§ 47-3-720, 47-3-730, 47-3-740, or 47-3-760(E).
 - (iii) When taking temporary custody of an animal under the provisions of Section 18.4(c)(5)(i), the Animal Control Officer shall take reasonable actions to inform the owner of the animal by verbal or written communications of the reasons for the temporary custody and the date and time of the hearing before the magistrate.
 - (iv) If the magistrate finds that the temporarily impounded animal should be released, all relevant impoundment and/or boarding fees shall be waived by the county.

(d) *Impoundment, redemption, and adoption.*

(1) Impoundment.

- (i) All animals that have been impounded or surrendered to an Animal Control Office and are deemed, by virtue of their behavior, to be wild or feral (reverted to a wild state) by the county veterinarian, and/or the county animal control staff members, and have no identifiable indicators of ownership may be disposed of by euthanasia so as to prevent potential injury or the spread of disease and/or rabies to humans or domesticated animals.
- (ii) All animals that have been impounded, or brought to an Animal Control Office, and are not suffering from, or suspected to have, an infectious or contagious disease, or which have not been injured to such an extent that it would cause unjustifiable pain or suffering, and are picked up with no identification, shall be taken to an Animal Control Office or another designated facility and, if necessary for subsequent impoundment, transferred to an Animal Control Office set-up for the housing and impoundment of dogs, cats, and other animals. The animal shall then be held at that Animal Control Office for a minimum of five (5) business days, excluding the initial day of impoundment from the computation of the five-day period. Impounded dogs, cats, or other animals not claimed within the minimum five (5) business day impoundment period shall first be placed for adoption through a pre-approved agency and then shall be eligible to be disposed of by euthanasia.
- (iii) All animals that have been impounded and are not suffering from or suspected to have an infectious or contagious disease or which have not been injured to such an extent that it would cause unjustifiable pain or suffering and are picked up wearing identification tags, bearing a detectable microchip, and/or bearing a tattoo, or whose owner is otherwise positively determined, shall be taken to an Animal Control Office or other designated facility and, if necessary for subsequent impoundment, transferred to an Animal Control Office set-up for the housing and impoundment of dogs, cats, and other animals. The animal shall then be held at that Animal Control Office for a minimum of fifteen (15) business days. The initial day of impoundment shall be excluded from the computation of this minimum fifteen (15) business day impoundment period.
- (iv) The Animal Control Office receiving the animal shall attempt to contact the owner of any impounded animal wearing a current identification tag, bearing a detectable microchip, and/or bearing a tattoo before undertaking the humane disposition of the animal. If the Animal Control Office cannot contact the owner within twenty-four (24) hours of its impoundment, a notification letter shall be sent to the last known address of the owner. Such notice shall be sent certified, return receipt requested. Impounded dogs, cats, or other animals not claimed within the minimum fifteen (15) business day impoundment period

shall first be placed for adoption through a pre-approved agency and then shall be eligible to be disposed of by euthanasia.

- (v) Animals impounded as a result of a pending court case shall remain the custody of the county until disposition of the case or an order of the court in which the case is pending directs otherwise.
- (vi) Any pet or livestock surrendered to the Animal Control Office may be adopted or euthanized at any time provided there is a completed and signed surrender form, signed by the owner, as defined herein, on file for the pet or livestock concerned.
- (vii) If the county veterinarian determines that the impounded animal is suffering from, or suspected to have, an infectious or contagious disease, or has been injured to such an extent that it is experiencing unjustifiable pain or suffering, the county veterinarian may dispose of the animal after consulting with the Animal Control Officer. If the impounded animal is associated with a pending court proceeding, the Animal Control Officer may, after petition to and approval of the appropriate court, dispose of the animal by euthanasia.

(2) *Redemption.*

- (i) Animals shall be released to their owners upon presentation of proof of ownership, licensing, vaccination, and payment of costs. Vaccination and costs will include the following:
 - a. Dogs and cats must be vaccinated against rabies and shall show proof of current vaccination prior to redemption. The cost of such vaccination shall be borne by the owner of the animal.
 - b. Impoundment fee for first impoundment: See Animal Control Schedule of Fees.
 - c. Impoundment fee for second and subsequent impoundments: See Animal Control Schedule of Fees.
 - d. The owner shall pay a per diem board fee in an amount established by the council in addition to any other charges and/or fines.
- (ii) If an animal that has not been sterilized is impounded for a violation of the running at large provision in Section 18.4(k)(1), an additional fee in an amount established by council will be assessed against the owner:
 - a. First impoundment: See Animal Control Schedule of Fees.
 - b. Second impoundment: See Animal Control Schedule of Fees; and
 - c. Third and all subsequent impoundments: See Animal Control Schedule of Fees.

The additional impoundment fee shall be waived or refunded if the owner has the animal sterilized and provides satisfactory proof thereof to or the Animal Control Officer within twenty (20) business days of the owner's redemption of the animal.

- (iii) Applicable costs must be paid at the place and within the time specified by the Sheriff.

(3) *Adoption.*

- (i) If the owner does not reclaim the animal within the specified time, the Animal Control Office having custody of the animal shall first provide the animal for adoption as prescribed herein or dispose of the animal by euthanasia. It shall be unlawful to deliver, sell, offer, or give any impounded animal for research or experimentation. The Animal Control Officer or deputy may also, upon the owner's failure to reclaim the animal within the time prescribed by this section, charge the owner with abandonment under Section 18.4(k)(4).
- (ii) All dogs and cats placed for adoption shall be neutered and shall have a microchip implanted. The cost of the neutering and microchip implanting and registration shall be borne by the adopter. The fee for these services shall be established by council.
- (iii) If the animal is under six (6) months old, it may be released to an adopting person without sterilization; however, the adopting citizen must return the animal to the Animal Control Office before it is six (6) months old for sterilization. As an alternative, the person may have the animal sterilized prior to six (6) months of age by a licensed veterinarian of his or her choice and provide a written statement from the veterinarian attesting that the sterilization has been performed. The cost for adoption of an unsterilized animal shall be the same as for an animal sterilized by the Animal Control Office before adoption, and there will be no additional charge for the sterilization surgery by the Animal Control Office at a later date.

(e) *Identification, registration, confinement, and related requirements.*

- (1) Any owner of a dangerous animal, as defined herein, shall be required to register with the Sheriff's Office.
 - (i) Initial registration shall occur within seven (7) business days of the date the owner knows, or reasonably should know, he or she owns a dangerous animal as defined herein.
 - (ii) Registration shall be renewed annually. Annual registration may be submitted no more than thirty (30) business days prior to and no more than fifteen (15) business days following the anniversary of the initial registration.

- (iii) The owner shall maintain an annual registration for as long as they are a resident of the county and own the dangerous animal.
- (iv) If initial registration or renewal requirements have not been met, the owner of a dangerous animal shall register within seven (7) business days of a judgment or decision by a court of competent jurisdiction finding a violation of Section 18.4(e) or Section 18-4(k)(3) or deeming an animal to be dangerous.
- (v) Registration shall include the name of the owner, the address of the owner's primary residence, the name and type of animal being registered, and the reason the animal is being registered. If the animal is registered as the result of a court order, the owner shall additionally identify the code violation or other reason for the court order.
- (vi) A fee, as determined by the council, shall be paid to the county for each initial and subsequent annual registration.
 - (i) At the time of initial registration, the owner shall receive a metal license tag, special collar, and leash which identifies the animal as "dangerous." The issued metal license tag shall at all times be attached to the issued collar. The tag and collar shall be worn by the registered dangerous animal at all times.
 - (ii) At the time of initial and subsequent annual registration, the owner of the dangerous animal must provide proof of liability insurance of at least one hundred thousand dollars (\$100,000.00) insuring the owner for personal injuries that may be inflicted by the registered dangerous animal.
 - (vii) If the registration information required by Section 18-4(e)(1)(v) changes prior to the expiration of the annual registration period, the owner shall submit a revised registration to the Sheriff. Change in status registrations shall be filed no later than thirty (30) days after the change is effective.

- (2) Any owner convicted in a court of competent jurisdiction of violating Section 18-4(k)(2) (animals creating a public nuisance) may be required as a part of sentencing by the court to register under the provisions of Section 18-4(e).
 - (3) Under authority of Section 18-4(c)(2), the property at the address provided during each annual registration shall be inspected by the Animal Control Officer once during each annual registration period in order to confirm the accuracy of the information submitted for registration and to confirm that any animals included in the registration are properly confined. Additional inspections of the registered property, as warranted by the Sheriff, may be conducted to ensure compliance with this section.
 - (4) All dangerous animals shall be confined in a manner that complies with Section 18-4(k)(3)(vi).
 - (5) Failure to register as required by this section shall be considered a violation and subject to penalties, upon conviction, as specified in Section 18-4(m).
- (f) *Rabies control.*
- (1) *Vaccination; certificate; tags.*
 - (i) No person shall own, keep, or harbor any pet within the county for longer than sixty (60) days unless such animal has been vaccinated against rabies as provided in this section.
 - (ii) Every owner of a pet will have his pet inoculated against rabies each year.
 - (iii) A state board of health certificate of animal rabies vaccination will be issued by a licensed graduate veterinarian for each animal so vaccinated, which shall state the name and address of the owner, the name, breed, color and markings, age, sex of the animal, and the veterinary or pharmaceutical control number of the vaccination.
 - (iv) Coincident with the issuance of the certificate, the licensed graduate veterinarian shall also furnish a serially numbered metal license tag bearing the same number and year as the certificate. The metal license tag shall bear the name of the veterinarian who administered the vaccination and shall at all times be attached to a collar or harness worn by the pet for which the certificate and tag has been issued.
 - (v) The owner shall have a valid certificate of rabies immunization readily available for inspection by competent authority at all times.
 - (vi) In the event that a rabies tag is lost, the owner will obtain a duplicate tag without delay.

- (vii) If there is a change in ownership of a pet during the valid period of immunization, the new owner may have the current certificate of immunization transferred to his name.
 - (viii) A certificate of rabies immunization issued by a licensed veterinarian from another state will be accepted as valid evidence provided it is less than a year old.
- (2) *Animals known to be infected or suspected of infection.*
- (i) Whenever a pet or other animal is affected by rabies, suspected of being affected by rabies, or has been bitten by an animal known or suspected to be affected by rabies, the owner of the pet or other animal or any person having knowledge thereof shall forthwith notify the Animal Control Officer and the health department stating precisely where the animal may be found.
 - (ii) The health department shall serve notice in writing upon the owner of a pet or other animal known to have been bitten by an animal known or suspected of being affected by rabies requiring the owner to confine such animal for a period of not less than six (6) months; except that, animals properly treated with anti-rabies vaccine shall be confined for a period of not less than three (3) months.
- (3) *Confinement and monitoring of animal that has bitten a person.*
- (i) The Animal Control Officer, in conjunction with the health department, shall arrange for the supervised confinement of any pet or other animal which has bitten a person. Such confinement may be on the premises of the owner if the owner will sign an agreement assuming total responsibility for the safe confinement of the pet or other animal. Confinement may be at the Animal Control Office, a private animal shelter, veterinary hospital, or humane society shelter at the owner's option and expense.
 - (ii) Any pet or other animal which has bitten a person must be confined for a period of at least ten (10) days. The health department or the Animal Control Officer will be permitted by the owner of such pet or animal to examine the animal at any time and daily if desired within the ten-day period of confinement to determine whether such animal shows symptoms of rabies. No person shall obstruct or interfere with the Animal Control Officer or the health department in making such examination.
- (4) *Killing or removing from jurisdiction suspected rabid animals prohibited; exception.*
- (i) No person shall kill, or cause to be killed, any rabid pet or other animal, or one suspected of having been exposed to rabies or which has bitten a person,

or remove such pet or animal from the jurisdiction of the county without written permission of the health department.

- (ii) An exception to the preceding requirement is that a rabid animal or one suspected of having been exposed to rabies or that has bitten a person may be killed if necessary to prevent the animal's escape or an additional biting, in which case the health department notified immediately.

(g) *Identification.*

- (1) Every dog owned by a person residing in the unincorporated areas of the county and all municipal incorporated areas of the county where there is no existing conflict with the law of the municipality shall be required to wear identification so that the owner of the animal may be positively identified. Such identification may take the following forms:
 - (i) A valid and lawfully issued rabies tag, as required by state law, is to be affixed to the collar or harness of the animal;
 - (ii) A name plate attached to the collar or harness of the animal which can positively identify the owner of the animal; or
 - (iii) A tattoo on the animal which can positively identify the animal to the owner, or
 - (iv) An implanted microchip which can positively identify the owner of the animal.

- (2) While in the confines of the walls of a building or a completely and securely fenced-in yard area on the owner's premises, a dog or cat is not required to wear a harness or collar with its rabies tag attached, but the owner shall have the rabies tag and certificate available and shall produce them upon request of any Animal Control Officer, Sheriff's deputy or Law Enforcement Officer.
 - (3) A hunting or stock dog and show dog, while being worked, conditioned, groomed and/or shown under the direct control of its owner or agent, is not required to wear its rabies tag, but the owner or agent shall have the rabies tag and certificates available and shall produce them upon request of any Animal Control Officer, Sheriff's deputy or Law Enforcement Officer.
 - (4) A show cat, while being groomed and/or shown under the direct control of its owner or agent is not required to wear its rabies tag, but the owner or agent shall have the rabies tag and certificate available and shall produce them upon request of any Animal Control Officer, Sheriff's deputy or Law Enforcement Officer.
 - (5) The Animal Control Office is authorized to establish a program to insert microchips in citizen-owned dogs and cats for a fee to be established by council ordinance.
- (h) *Duty to report injury to animal.* It shall be the duty of any person who injures an animal by any means to promptly notify the owner of the animal (if known), an Animal Control Officer, or the appropriate law enforcement agency, who shall then take necessary action to make proper disposition of the animal. Any animal received by an Animal Control Office, or designated facility, in critical condition from wounds, injuries, or disease may be euthanized if the owner cannot be located within two (2) hours. If the animal is in severe pain, it may be euthanized immediately.
- (i) *Wild animals.*
- (1) No person shall keep or permit to be kept on his premises any wild or vicious animal for display or exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to zoological parks, performing animal exhibitions, or circuses.
 - (2) No person shall keep or permit to be kept any wild animal as a pet except as allowed under federal and state law.
- (j) *Performing animal exhibitions.*
- (1) No performing animal exhibition or circuses shall be permitted in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner that will cause or is likely to cause physical injury or suffering.
 - (2) All equipment on a performing animal shall fit properly and shall be in good working condition.

- (3) Animal acts and animals for entertainment, to include any circus, zoo, or carnival, will, one (1) week prior to entering the county, register with the Sheriff's Department or, if directed by the Sheriff's Department, the Animal Control Office. At the time of registration, the registrant will present health records and an inventory of animals. Animal Control Officer(s) will inspect facilities at that time, and at any time during the course of stay, to ensure humane care and treatment and to ensure public safety by means of proper enclosures. Animal Control Officer(s) can close down the facility if the means and condition requirements are unsatisfactory. A fee will be charged by the county for registering the circus, zoo, carnival, or animal act. The fee shall be waived for circuses, zoos, or carnivals held in the county under the sponsorship of a local county nonprofit organization registered with the South Carolina Secretary of State.

(k) *Offenses.*

(1) *Animals running at large.*

- (i) It shall be unlawful for any owner of any dog to permit, or allow in any way, whether intentionally or unintentionally, the same to run at large except on property owned, rented, or controlled by the owner. All dogs not on property owned, rented, or controlled by the owner must be kept under restraint or confinement and under the physical control of the owner by means of a leash or other physically attached restraining device.
- (ii) Dogs that are participating in or training for hunting events, obedience trials, conformation shows, tracking tests, herding trials, terrier trials, or lure courses under the direct control of their owner shall not be considered animals at-large.

(2) *Animals creating a public nuisance.*

The owner or custodian of an animal shall not permit that animal to unreasonably annoy humans, endanger the life or health of other animals or persons, or substantially interfere with the rights of persons, other than their owners, to the enjoyment of life or property. An animal is a public nuisance if it has a demonstrated history of:

- (i) Being found at large two (2) or more times in a twenty-four-month period;
- (ii) Damaging the property of anyone other than its owner;
- (iii) Molesting, threatening, or intimidating pedestrians or passersby near the location where the animal is kept or any person when the animal is away from the location where its owner resides;
- (iv) Repeatedly chasing vehicles;

- (v) Domestic animal excessively making disturbing noises, including, but not limited to, continued barking, howling, whining or other utterances causing reasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the domestic animal is kept or harbored;
 - (vi) Attacking or threatening other domestic animals; or
 - (vii) Domestic animals causing unsanitary or offensive conditions in enclosures or surroundings where the animal is kept or harbored. This section shall not apply to normal agricultural operations.
- (3) *Dangerous animals.*
- (i) For the purposes of Section 18.4, a dangerous animal shall be defined as an animal of the canine or feline family that:
 - (a) 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;
 - (b) 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 18-4(k)(3)(v) and S.C. Code Ann. § 47-3-720;
 - (c) Commits unprovoked acts in a place other than the place where the animal is confined, as required by Section 18-4(k)(3)(v) and S.C. Code Ann. § 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; or
 - (d) Is owned or harbored primarily or in part for the purpose of fighting or which is trained for fighting.
 - (ii) Dangerous animal does not include:
 - (a) An animal used exclusively for agricultural purposes; or
 - (b) 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 S.C. Code Ann. § 47-3-770(A).
 - (iii) An animal is not a dangerous animal solely by virtue of its breed or species.
 - (iv) Notwithstanding Section 18.4(k)(3)(i), a court of competent jurisdiction may,

after considering the totality of the circumstances, deem an animal a dangerous animal, regardless of the location of an attack or provocation, when an attack results in serious injury to a human.

- (v) The owner of an animal that the owner knows or reasonably should know is a dangerous animal as defined herein shall register the animal in accordance with Section 18.4(e) and Section 18.4(k)(3)(viii).
- (vi) The owner of an animal that the owner knows or reasonably should know is a dangerous animal as defined herein shall additionally confine the animal on the owner's premises. Appropriate confinement on the owner's premises shall be indoors or in a securely enclosed fence or securely enclosed and locked pen or run on the owner's premises. Regardless of the method of confinement used, the structure, fenced enclosure, or pen shall be designed to prevent entry of the general public, including children, and to prevent the escape of the dangerous animal and shall be clearly marked as containing a dangerous animal. This confinement requirement does not apply to an animal owned by a licensed security company that is on patrol in a confined area.
- (vii) The owner of an animal that the owner knows or reasonably should know is a dangerous animal as defined herein shall not permit the animal to go beyond the owner's premises unless safely restrained.
- (viii) No more than two (2) animals that the owner knows or reasonably should know are dangerous animals as defined herein may be maintained on a single property.
- (ix) An animal deemed a dangerous animal by a court of competent jurisdiction shall be required to follow the registration, identification, and confinement standards established by S.C. Code Ann. §§ 47-3-710, *et seq.*, as amended, Section 18-4(e), and Section 18-4(k)(3).
- (x) The registration and confinement provisions set forth herein in no way alter the prohibitions set forth in S.C. Code Ann. § 47-3-740, which makes it a criminal offense to:
 - (a) 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 unprovoked attacks by the animal upon human beings or domestic animals; or
 - (b) Possess with intent to sell, offer for sale, breed, or buy or attempt to buy a known dangerous animal.

(4) *Abuse, neglect, and abandonment and tethering of dogs.*

- (i) It shall be unlawful and a violation of Section 18.4 for any person to abuse a domestic animal, aid another person in abusing a domestic animal, or cause or permit a domestic animal to abuse another domestic animal. Said unlawful acts may occur by acting or failing to act. Animal abuse includes, but is not limited to, the following:
 - (a) Failing to provide adequate humane care;
 - (b) Mistreating an animal by beating, cruelly treating, tormenting, overloading, overworking, or otherwise abusing an animal, or causing, instigating, or permitting any dogfight or other unlawful combat between animals or between animals and humans;
 - (c) Failing to provide adequate food, shelter, or clean water;
 - (d) Failing to provide adequate space and sanitary living conditions sufficient and appropriate for the particular size, species, and breed of animal;
 - (e) Failing to acquire or provide appropriate treatment for a knowingly injured or sick animal; or
 - (f) Exposing an animal to any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any animal. The use of common rat or rodent poison on one's own property for the express purpose of rat or rodent control shall not be considered abuse.
- (ii) It shall be unlawful for an owner to desert, forsake, or intend to give up absolutely a domestic animal without securing another owner or without providing for adequate food, water, shelter, and care. A domestic animal is considered abandoned when it has been left unattended for twenty-four (24) continuous hours and without free access to adequate food, water, and shelter sufficient and appropriate for the particular size, species, and breed of animal.
- (iii) It is unlawful for any person to give away any live animal as a prize for, or inducement to enter, any contest, game, or other competition, or as an inducement to enter a place of amusement.
- (iv) Any person operating a motor vehicle who strikes a domestic animal, shall report such injury or death to the appropriate law enforcement authority. Due to the possibility of injury from aiding an injured animal, this provision shall in no way be construed to require or encourage the physical touching of an injured animal by a non-qualified person who strikes a domestic animal.

(v) It shall be unlawful for a motor vehicle owner or operator to place or confine an animal or allow it to be placed or confined or to remain unattended in a motor vehicle without sufficient ventilation or under conditions for such period of time as may be reasonably expected to endanger the health or well-being of such animal due to heat, cold, lack of water, or other such circumstances as may reasonably be expected to cause suffering, disability, or death.

(vi) *Tethering dogs.*

(a) It shall be unlawful for a person to tether, fasten, chain, tie, rope, cable, or restrain a dog, or cause a dog to be tethered, fastened, chained, tied, roped, cabled, or restrained, to a house, tree, fence, or any stationary object except for a brief period of time necessary to complete a temporary task that requires the dog to be restrained, which period of time shall not exceed four (4) hours during which the animal shall have free access to adequate water, food, and shelter based on weather conditions.

(b) Notwithstanding Section 18.4(k)(4)(vi)(a) above, if a dog must be restrained other than by fence or other humane enclosure, a person may restrain the dog by complying with the following requirements:

1. If a tether system is used, it must be connected to a single stake or similar system with a swivel on top, must have swivel type connections on each end, must be at least fifteen (15) feet in length, and must allow the dog to have as close to three hundred sixty (360) degrees circular movement as practicable.

2. If a trolley system is used, it must be at least twenty (20) feet in length between the two (2) trolley stop points, must be at least three (3) feet above the height of the dog, and must allow the dog to move freely along the length of the trolley runner line without being entangled and being able to access adequate shelter.

3. The tether or trolley system must allow the dog free access to adequate food, water, and shelter based on weather conditions. The dog shall not be connected to either system in extreme weather conditions that may endanger the life or health of the dog.

4. The tether or trolley system must be attached to a properly fitting collar or harness, not less than one (1) inch in width and that is one (1) inch greater in diameter than the animal's

neck or torso. All collars or harnesses used must be made of nylon, leather, or other durable and non-metallic material and must be fitted so as to not cause injury to the dog or embed itself in the dog's neck. The use of pinch collars, choke collars, or a chain directly around the dog's neck is prohibited.

5. The line or tether connecting the tether or trolley system to the dog's collar or harness must be made of a durable non-chain material that prevents knotting, fraying, and shortening of the tether or line.
6. The tether or trolley system must be connected to only one (1) dog. If more than one (1) dog is connected to a tether or trolley system in the same area, the dogs must be separated by a sufficient distance to prevent entanglement. Dogs shall not be connected to a tether or trolley system at the site of an unoccupied, abandoned, or condemned dwelling or building.
7. Dogs under six (6) months of age or that are sick or in distress shall not be connected to a tether or trolley system.
8. A female dog in heat must be confined within a building, secure enclosure, or otherwise protected from access by other dogs to prevent reproduction.
9. Nothing in this subsection shall be constructed to prohibit a person from walking a dog with a handheld leash or similar restraint.

(1) *General penalties.*

- (1) Whenever Section 18.4 prohibits any act or omission or declares an act or offense unlawful, *any* person violating that provision shall be subject to prosecution in the name of the State of South Carolina or the county, and upon conviction, such person shall be punished by a fine not to exceed the maximum fine or the maximum imprisonment, or both, as allowable under state law.
- (2) Each day a violation continues shall be considered as a separate offense.
- (3) Daily fees will be set by County Council.

Conflicts with state law. If any provisions of Section 18.4 conflict with the laws of the state in a manner that is irreconcilable, and the laws of the state preempt the section as determined by a court of competent jurisdiction, the applicable provisions of the laws of the state, including those prescribing the fines, imprisonment, and penalties, shall control.