

## DIVISION 4. - ANIMALS

### FOOTNOTE(S):

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**State Law reference**— Animals, livestock and poultry, S.C. Code 1976, Title 47; authority to enact ordinances and promulgate regulations for control of dogs and other domestic pets and to prescribe penalties for violations thereof, S.C. Code 1976, § 47-3-20; authority to establish animal shelters, S.C. Code 1976, § 47-3-30.

### Subdivision 1. - In General

#### Sec. 42-116. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandonment means deserting, forsaking, or intending to give up absolutely an animal without securing another owner or without providing for that animal the necessities of life.

Animal means any nonhuman mammal of the order carnivora, including dogs, cats and related carnivorous animals.

Animal control officer means any person authorized by this division as enforcement officer of the provisions of this division, including but not limited to the county commissioned enforcement employees of the county animal control department and the animal shelter, as well as all other officials authorized by law to enforce county ordinances, including but not limited to such officials of the county health department, county sheriff's department, other commissioned law enforcement officers, other county commissioned officers, and police officers of incorporated municipalities within the county, when authorized to assist in the enforcement of county ordinances.

Animal shelter means any premises so designated by the county council for the purpose of impounding and caring for all animals found in violation of this division.

Dangerous animal means any animal that, as can be shown by records of the county or state or of any other political subdivision of the United States:

- (1) Has, without provocation, inflicted injury on a human being, domestic animal, or livestock, either on public or private property; or
- (2) Aggressively bites, attacks, or endangers the safety of humans, domestic animals, or livestock, without provocation, after the animal has been classified by the animal control department as a potentially dangerous animal and after the owner has been notified of such classification.

Harboring means any person who shall allow an animal or pet habitually to remain, be lodged or fed within any dwelling, building, yard, or enclosure which he occupies or owns, shall be considered to be harboring or keeping such animal or pet for the purposes of this division.

Humane society means the South Carolina Society for the Prevention of Cruelty to Animals.

Impoundment means under the physical control of the animal control department or contained within cages, equipment, vehicles or buildings of the animal control department or used by them or with their permission on behalf of the animal control department.

Livestock includes meat cattle, horses, mules, asses, swine, sheep and goats.

Maltreatment. Maltreatment of any animal or pet shall consist of:

- (1) The willful or malicious killing, abuse, maiming, beating or disfiguring of any animal or pet; or the willful or malicious administering of any poison to any animal or pet; or the exposure of any poisonous substance with the intent that the same be taken and ingested by such animal or pet; the normal practice of veterinary medicine, including the use of procedures regularly and commonly accepted within the profession as good veterinary practice, shall not be deemed as maltreatment in any regard.
- (2) Overloading, overdriving, torturing or tormenting any animal or pet; or depriving any animal or pet of its necessary sustenance or shelter; or beating, mutilating, or killing any animal or pet or causing same to be done; or carrying in or upon vehicles or otherwise any animal or pet in a cruel or inhumane manner.
- (3) Confining any animal or pet and failing to supply sufficient quantities of wholesome food and water, or keeping any animal or pet in any enclosure without the means for wholesome exercise and change of air, or abandoning to die any animal or pet.
- (4) Failing to maintain in a clean and sanitary condition, free from extreme and unreasonably objectionable odor, any and all structures, pens, yards and areas adjacent thereto wherein an animal or pet is kept.
- (5) Failing to provide bedding and shelter, adequate in any given situation to provide protection from the elements necessary to prevent death or suffering, for any animal or pet kept outdoors or in an unheated enclosure.

Nuisance means any animal which barks, howls, whines or causes other objectionable noises without provocation; or which is at large, chases or runs after persons or vehicles; or which destroys or damages any property of another person; or which causes serious annoyance to a neighboring resident and interferes with reasonable use and enjoyment of his property.

Owner means any person, corporation, company, trust, estate, partnership, firm or any other legal entity who has a right of property in an animal; keeps or harbors an animal or has it in his care or acts as its custodian; or permits such an animal to remain on or about premises occupied by him.

Pet means any animal domesticated by humans so as to live and breed in a tame condition for the benefit of humans.

Potentially dangerous animal means any animal which has shown documented aggressive tendencies toward persons, domestic animals or livestock.

Running at large means any animal not under the owner's immediate control or restraint, left unattended off the property of the owner, or upon the property of another without the permission of the owner or party in control of the property, or upon public property without the direct and physical control of the owner. For the purpose of this division, common grounds in apartment complexes and the like shall not be considered property of the animal owner.

Stray animal means any animal whose ownership cannot be determined.

(Ord. No. 374, § I, 4-20-93)

**Cross reference—** Definitions generally, § 1-2.

Sec. 42-117. - Enforcement.

- (a) This division is a duly enacted law of the county and is subject to enforcement, as any other law of the county, by all persons authorized to enforce and uphold the law in the county, including but not limited to all county commissioned enforcement officers of the county animal control department and the county animal shelter, and those employees of the county health department, employees of the county sheriff's department, and other commissioned officers of the county who are authorized to carry out

law enforcement and other duties. All enforcement officers of the animal control department and animal shelter shall meet the qualifications for commissioning and be commissioned by the county council.

- (b) The county animal control department has the primary administrative and enforcement responsibility for the provisions of this division. The county animal control department is headed by the county regulatory compliance officer, and includes those county employees charged with the enforcement of this division who come under the direction and authority of that official, including but not limited to all county animal control officers who are employees of the county animal shelter. All employees of the county animal control department shall be employed through the office of the county administrator. Each employee shall have the same authority to enforce the provisions of this division as granted to the rabies control officer pursuant to S.C. Code 1976, § 47-5-10 et seq., once commissioned by the county council as a code enforcement officer.
- (c) The county animal control department, including employees of the county animal shelter or their designees, have the full authority and power to implement, administer and enforce this division and to obtain the cooperation and assistance of other law enforcement agencies, including but not limited to the county health department, the county sheriff's office, the county magistrates, and other commissioned officers of the county, when necessary to carry out the provisions of this division, including but not limited to investigation, classification, notification, impoundment and citation or summons or warrant action pursuant to this division.

(Ord. No. 374, § II, 4-20-93)

Sec. 42-118. - Applicability of Rabies Control Act.

The provisions of S.C. Code 1976, § 47-5-10 et seq., commonly known as the Rabies Control Act are hereby adopted in their entirety, as the same may be from time to time amended, as an integral part of this division, except insofar as the provisions of such act may conflict with or be less restrictive than the provisions of this division.

(Ord. No. 374, § III, 4-20-93)

Sec. 42-119. - Obligations and violations.

- (a) The owner of every animal or pet within the county shall keep such animal or pet under reasonable control and restraint at all times.
- (b) Every female pet in season (in heat) shall be kept confined in a building or secure enclosure or in a veterinary hospital or boarding kennel or shall be treated in such a manner so as not to create a nuisance by attracting other pets.
- (c) It shall be unlawful for any owner or keeper of any animal or pet, or any other person, where applicable, to:
  - (1) Not keep such animal or pet under reasonable control or restraint at all times, or allow such animal or pet to run at large off of property owned, rented, or controlled by such owner. This provision shall not apply to any hunting or working dog while actually engaged in any hunting or training or working exercises, so long as such dog does not do injury to persons or other domestic animals or pets or livestock.
  - (2) Release or take out of impoundment without proper authority any animal or pet.
  - (3) Allow their animal or pet to become a nuisance.
  - (4) Interfere with, hinder, or molest any animal control officer or designee in the performance of any duty authorized by this division.
  - (5) Abandon or maltreat such animal or pet.

- (6) Allow a female pet in season (in heat) to violate the provisions of this section.
- (d) No person shall:
- (1) Own, possess, keep, or train any animal with the intent that such animal shall be engaged in an exhibition of fighting.
  - (2) Build, make, maintain or keep a pit owned by him or on land occupied or controlled by him, or allow a pit to be built, made, maintained, or kept on such premises for the purpose of any exhibition of animal fighting.
  - (3) In any manner encourage, instigate, promote or assist in an exhibition of animal fighting.
  - (4) Charge admission, be an assistant, umpire or participate or be present as a spectator to any exhibition of animal fighting.
- (e) Any animal control officer or designee may impound any animal found to be maltreated.
- (f) No carnivores which are both normally not domesticated and not native or indigenous to the State of South Carolina may be owned, possessed, harbored or kept in any manner in the county, except pursuant to a permit issued by the county animal control department; or pursuant to a class A, class B, or class C license issued by the United States Department of Agriculture, under 7 U.S.C. 2131-2157 and 7 CFR 2.17, 2.51, and 371.2(g), authorizing operation as a breeder, dealer, exhibitor or operator of an auction sale; or as otherwise provided by state law, including but not limited to S.C. Code 1976, § 50-11-2400 et seq. Such permits to be issued by the county animal control department will be issued for valid zoological parks; for transit circuses, carnivals, fairs and the like; or for research or breeding by governmental or educational agencies or institutions, or their agents, all as established to the satisfaction of the county animal control department, subject to review by the county council. Any application for such permit, other than one issued pursuant to or specifically exempted by 7 U.S.C. 2131-2157 or by state law for the possession or ownership of such animals in the county, or issued to governmental or educational agencies or institutions must be accompanied by proof of liability insurance of at least \$50,000.00 insuring the owner, custodian or other keeper of such carnivore for personal injuries inflicted by the carnivore controlled pursuant to this section, which must be maintained in force, effective throughout the permit period.
- (g) No person:
- (1) 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 and locked pen or a run area upon the person's premises. The pen or run area also must have either six-foot sides or a secure top. If the pen or secure structure has no bottom secured to the sides, the sides must be embedded into the ground at a depth of no less than one foot. However, this section does not apply to a licensed security company's animal on patrol in a confined area.
  - (2) Owning or harboring or having the care of a dangerous animal or potentially dangerous animal may permit the animal to go beyond his premises unless the animal is muzzled securely and restrained with a chain having a minimum tensile strength of 300 pounds and not exceeding three feet in length.
  - (3) May train, torment, badger, bait or use an animal for the purpose of causing or encouraging the animal to unprovoked attacks upon human beings, domestic animals or livestock.
  - (4) May possess with intent to sell, offer for sale, breed, or buy or attempt to buy a dangerous animal.
  - (5) May own or harbor a dangerous animal without registering the animal with the county animal control department.
- (h) If a dog must be restrained by means other than a fence or other humane enclosure, a tethering system must be used which meets the following criteria:
- (1) The tether must be at least 15 feet in length.
  - (2) The weight of the tether must not exceed ten percent of the weight of the dog.



- (3) The tether must have swivels on both ends and allow the dog to have highest degree of movement practicable without becoming entangled; 360 degrees is ideal. This is best accomplished by using a single stake system with swivel on top to allow the dog free movement. A secondary option is to have the dog tether, with swivels, attached to a trolley system that allows the dog to move freely along the runner line. The trolley system must be at least three feet above the ground.
- (4) The tether must allow the dog free access to food, water, and shelter.
- (5) The tether must be attached to a properly fitting collar or harness such that there is no harm to the dog.
- (6) The use of pinch collars, choke collars or chain directly around the dog's neck is prohibited.
- (7) A female dog in heat must be confined within a building, secure enclosure or otherwise protected from other dogs.
- (8) Dogs under six months of age or that are sick or in distress are not to be tethered.
- (9) If more than one dog is tethered in the same area they must be separated to prevent entanglement.
- (10) Dogs are not to be tethered to abandoned buildings or other objects not on the owner's property.

(Ord. No. 374, § IV, 4-20-93; Ord. No. 2013-027, § 1, 7-16-2013)

Sec. 42-120. - Procedures followed by officers.

- (a) The policies and provisions of this division will be carried out and enforced by the county animal control department, with the assistance of such others as from time to time may assist the animal control department, who have authority to enforce this division both in their own right and as designees of the animal control department, including but not limited to the county health department, county sheriff's office, county magistrates, and other commissioned officers of the county. No animal control employee enforcing the provisions of this division or their designee or other enforcement officers solicited for help by such employee or designee or acting in their own stead in enforcing the terms and provisions of this division shall be personally liable for damage in the discharge of such duties.
- (b) The county animal shelter referred to in this division was established by the county as a division of environmental services, and the policies and procedures developed by the animal shelter are subject to the approval of the county administrator and county council. Following such approval, the policies and procedures developed by the animal shelter shall be binding. The expenditure of all animal shelter donations shall be approved by the administrator with notification to county council.
- (c) The employees of the county animal control department or their designees or law enforcement officers assisting such employees or their designees may impound animals/pets found in violation of this division, and may issue uniform county summonses to the owners or custodians of such animals/pets for violations of this division, unless the violation is punishable by a civil penalty pursuant to subsection (e) of this section and section 42-121(b), and may issue civil citations (summonses) for such civil penalties.
- (d) Upon receipt of a complaint alleging a violation of this division, the animal control department shall investigate and, upon personal observation of a violation of this division by an animal control officer, upon receipt of sufficient credible fresh evidence of a violation, including but not limited to statements of eyewitnesses, animal control officers may, unless clearly physically or legally impractical or impossible, impound or attempt to impound, by humane means, and transport to the animal shelter, any nuisance, abandoned, stray, maltreated animal or pet, or any animal or pet running at large, or unconfined female pet in season (in heat) or any dog unlawfully tethered in violation of subsection 42-119(h), and shall issue a uniform county summons for violation of this division to the owner or custodian of such animal or pet unless the violation is punishable by a civil penalty pursuant to subsection (e) of this section and subsection 42-121(b). If the officer does not witness the violation personally, or cannot find fresh

evidence of the violation, the officer shall instruct the complainant to see the area magistrate if the complainant wishes to initiate process for violation of this division.

- (e) As an alternative to impounding an animal running at large or a nuisance or stray animal or pet, or an unconfined female pet in season (in heat), or unlawfully tethered in violation of subsection 42-119(h) (applicable to dogs only) and concomitant issuance of a uniform county summons, an animal control officer who is able to determine ownership of said animal or pet, may, and shall for the fourth or fewer violation involving the same owner, issue to said owner a written warning of violation of this division or a civil citation (summons) for violation of this division, along with instructions as to the provisions for confinement or restraint for such animal or pet. Not more than one warning may be issued to any one owner for any given type of violation. All subsequent violations of this division falling within this provision shall result in the issuance of a civil citation (summons) to the owner pursuant to subsection 42-121 (b), or a uniform county summons or warrant for the fifth or greater violations.
- (f) Any carnivore owned, possessed, harbored or kept in any manner in the county in violation of section 42-119(f) shall be confiscated by a county animal control officer or designee or other law enforcement officer requested to assist such officer or designee and be either euthanized or released to the wild, or otherwise humanely disposed of, in the discretion of the county animal control department, based on the circumstances of each given situation and any applicable law.
- (g) Dangerous animals owned, possessed or maintained in violation of subsection 42-119(g), shall be seized and impounded by an animal control officer or designee or other law enforcement officer assisting such officer or designee, pursuant to this division.
- (h) Animals or pets impounded pursuant to this division shall remain impounded at the animal shelter for a period of at least three working days by animal control personnel, except in the case of identifiable animals or pets, not appearing to be abandoned, which shall be kept for at least two weeks after notification of the owner by telephone, certified mail or, if notification cannot be made, for a total of 21 days, whichever is greater. Thereafter such animal or pet shall become the property of the county animal shelter upon the opening of the animal shelter at the beginning of business on the first business day after such waiting period(s) have expired. The animal shelter will dispose of such animal or pet in the most efficient, humane and practical manner, depending upon the circumstances of each particular situation and applicable law. Any animal or pet impounded pursuant to this division may be provided necessary veterinary treatment, at the expense of the owner, if known. Any owner or custodian wishing to have their animal or pet released from the animal shelter shall be required to pay a fee as set by the county council from time to time per day for each day or portion thereof that the animal or pet is boarded by the county in the animal shelter, actual cost of inoculation of the animal or pet, if applicable, actual veterinary treatment costs, any applicable shelter fees or costs pursuant to the shelter policies manual, and an additional impoundment fee, in addition to any other monetary penalties imposed for violation of this division. It shall be incumbent upon any owner or custodian of an impounded animal or pet to produce or demonstrate to the animal shelter personnel sufficient proof of current and valid inoculation for such animal or pet prior to the release of such animal or pet from the animal shelter. Alternatively, shelter personnel may inoculate such animal at the expense of the owner or custodian prior to releasing the animal or pet.
- (i) In addition to all other provisions of this division, any agent or officer of the department of health and environmental control or police officer or officer of the South Carolina Society for the Prevention of Cruelty to Animals or any society duly incorporated for that purpose, or any animal control officer may lawfully destroy, or cause to be destroyed, any animal found abandoned and not properly cared for, appearing to be glandered, injured or diseased past recovery for any useful purpose, in accordance with S.C. Code 1976, § 47-1-80. Further, any other pet or animal received by such agents or officers in critical condition from wounds, injuries, or disease, may, if in their opinion it is in the best interest of the animal or pet, be lawfully destroyed as prescribed by law, if the owner cannot be contacted in a timely manner, so as to reduce undue suffering to the animal.

(Ord. No. 374, § V, 4-20-93; Ord. No. 2010-017, § 1, 9-21-2010; Ord. No. 2013-027, § 2, 7-16-2013)

Sec. 42-121. - Penalties.

- (a) Any person violating the provisions of this division or any section thereof shall be guilty of a misdemeanor, and upon conviction, shall be punished in accordance with section 1-7.
- (b) In lieu of any other penalty, the owner or custodian of any animal or pet impounded or cited (summoned) under section 42-120(e), as a nuisance, or as a stray animal or pet, or as an animal or pet running at large, or as an unconfined female pet in season (in heat), may pay a civil penalty of \$25.00 for a first violation, \$50.00 for a second violation, and \$200.00 for a third or any subsequent violation of this division so encompassed by the impounded or cited (summonsed) animal or pet. Such payments of civil penalty shall be based upon violations cited in writing by animal control officers or their designees and shall be paid to the animal control department, in accordance with existing county procedures within three days (72 hours) from the date of issuance of such citation (summons). Additionally, any shelter fees, impoundment fees, or treatment fees are chargeable to such owner or custodian in accordance with this division and are payable to the animal shelter. If civil penalties are not paid within the prescribed time, any animal control officer shall issue a uniform county summons for violation of this division for the original offense for which impoundment or citation took place.

(Ord. No. 374, § VI, 4-20-93)

Subdivision 2. - Sterilization of Dogs and Cats

FOOTNOTE(S):

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**Editor's note**—Ord. No. 2012-026, § 1, adopted Aug. 21, 2012, set out provisions adding Div. 5, §§ 42-122—42-124. To maintain the current Div. 5, and at the editor's discretion, these provisions have been included as Subdiv. 2, §§ 42-122—42-124.

Sec. 42-122. - Definitions.

As used in this subdivision:

Animal shelter means the Anderson County Animal Shelter.

Sexually mature animal means a dog or cat that has reached the age of 180 days or six months or more.

Sterilization means the surgical removal of the reproductive organs of a dog or cat in order to render the animal unable to reproduce.

(Ord. No. 2012-026, § 1, 8-21-2012)

Sec. 42-123. - Provisions for sterilization; exceptions; payment of costs; subsequent notification of sterilization for animals not sterile when acquired.

- (a) The animal shelter shall make provisions for the sterilization of all dogs or cats adopted or otherwise acquired from the animal shelter by:
  - (1) Providing sterilization by a licensed veterinarian before relinquishing custody of the animal unless doing so would pose a threat to the health of the animal; or

- (2) In cases where sterilization prior to acquisition poses a threat to the health of the animal, by requiring that the person acquiring the animal guarantee that sterilization will be performed by a licensed veterinarian within 30 days after acquisition of a sexually mature animal or no later than six months of age except upon a written statement issued by a licensed veterinarian stating that such surgery would threaten the life of the animal.
- (b) This section does not apply to a privately owned animal which the animal shelter may have in its possession for any reason if the owner of the animal claims or presents evidence that the animal is his property.
- (c) All costs of sterilization pursuant to this section are the responsibility of the person acquiring the animal and, if performed before acquisition, may be included in the fees charged by the animal shelter for the animal.
- (d) A person acquiring an animal from the animal shelter which is not sterile at the time of acquisition shall submit to the animal shelter a signed statement from the licensed veterinarian performing the sterilization required by subsection (a) within seven days after sterilization attesting that the sterilization has been performed.

(Ord. No. 2012-026, § 1, 8-21-2012)

Sec. 42-124. - Failure to comply; remedies.

A person who fails to comply with subsection 42-123(a)(2) or (d) must forfeit ownership of the dog(s) or cat(s) acquired from the animal shelter. In addition to forfeiting ownership, failure to comply with subsection 42-123(a)(2) or (d) shall be an offense punishable by the imposition of a civil penalty not to exceed the sum of \$100.00 in the discretion of the magistrate which shall have jurisdiction in all cases involving violations of this subdivision. Such remedies shall be in addition to any other legal or equitable remedies as may be available to the animal shelter.

(Ord. No. 2012-026, § 1, 8-21-2012)

Sec. 42-125. - Reserved.

Subdivision 3. - Dog Breeding Operations

Sec. 42-126. - Purpose.

For purposes of this subdivision:

Animal means a living vertebrate creature except a homo sapien.

Dog includes all members of the canine family.

Cat includes all members of the feline family.

Livestock means live cattle, horses, mules, asses, hogs, sheep, and goats.

Poultry means live chickens, turkeys, waterfowl, and game birds, which are propagated and maintained under the control of any person for any purpose.

Rescue organization means a South Carolina non-profit corporation that is exempt from taxation under Internal Revenue Code section 501(c)(3), whose mission and practice is, in whole or in significant part, the rescue and placement of dogs, cats, or other animals; or any non-profit organization that is not exempt from taxation under Internal Revenue Code section 501(c)(3), but is currently an active rescue partner with a



municipal or county animal shelter or humane society, whose mission is, in whole or in significant part, the rescue and placement of dogs, cats, or other animals.

Breeder or breeding organization means:

- (1) A person or organization that offers 25 or more dogs for sale during a 365-day period, as determined by animal control officers.
- (2) This definition does not include the following "exempted organizations": animal shelters, the Humane Society, rescue organizations, or operations that are already registered with or regulated by the United States Department of Agriculture or the American Kennel Club, except as otherwise stated.

Sale location means premises, locations, structures, enclosures, or facilities open to the public where breeders or breeding organizations offer dogs for sale.

Licensed veterinarian means a veterinarian licensed to practice in the State of South Carolina or any other state in the United States of America.

(Ord. No. 2014-002, § 1, 2-4-2014)

Sec. 42-127. - Inspections.

(a) Animal control officers of the county sheriff's department shall:

- (1) Inspect the premises of a breeder or breeding organization no less than once every 365 days for the purpose of ensuring compliance with the requirements of this division;
- (2) Inspect the premises of a sale location periodically, but in no event less than two times per year, for the purpose of ensuring compliance with the requirements of this division; and
- (3) Upon receipt of a complaint alleging a violation of this division by an exempted organization, shall inspect the premises of the exempted organization for the purpose of ensuring compliance with the requirements of this division.

(b) Whenever it is necessary or required for animal control officers to make an inspection in order to perform any duty or enforce any provision of this subdivision, animal control officers are hereby empowered to enter property at a reasonable time and to inspect the premises. Animal control officers shall have such power if consent of the owner or occupant of the property is freely given, a search warrant is obtained, or such exigent circumstances exist such that a warrantless, non-consensual search is required.

(c) The inspecting animal control officer, in his discretion, may allow a breeder or breeding organization seven or fewer days to correct any issues of noncompliance with this division unless immediate action is warranted to protect the health and well-being of the animals in question.

(d) Any dog observed by animal control officers to be in immediate danger of death, serious injury, or continued maltreatment may be removed from such situation by the quickest and most reasonable means available and may be promptly impounded.

(Ord. No. 2014-002, § 2, 2-4-2014)

Sec. 42-128. - Health records.

(a) Any person offering a dog for sale in the county shall provide written proof that:

- (1) As of the date of sale, the dog has been vaccinated against communicable diseases in accordance with the most recent guidelines published by the American Animal Hospital Association; and

- (2) The dog has been inoculated against rabies at a frequency to provide continuous protection of the dog from rabies.

Written proof of rabies inoculation is a certificate signed by a licensed veterinarian in the form prescribed under S.C. Code 1976, § 47-5-10 et seq., commonly known as the Rabies Control Act.

- (b) Any person located within the county offering a dog for sale via classified advertisement, via online sales forum, or via other electronic means shall provide the written proof of vaccination and inoculation described in this subdivision.
- (c) A breeder or breeding organization offering a dog for sale in the county, whose primary residence or primary place of business is located outside the county, must also provide, in addition to the written proof of vaccination and inoculation described in this subdivision, the name, mailing address, and physical address of its breeding facility or facilities.

(Ord. No. 2014-002, § 3, 2-4-2014)

Sec. 42-129. - Sale of animals.

- (a) Any person convicted under any local ordinance or state statute regarding animal cruelty or maltreatment is prohibited from selling any animal or offering any animal for sale in the county.
- (b) No person may offer an animal as an inducement to purchase a product, commodity, or service, except this provision shall not apply to the sale, trade, barter, or auction of livestock or poultry.
- (c) No person may sell, offer for sale, or give away any dog or cat under eight weeks of age, or any other animal not properly weaned, except to surrender the animal to a rescue organization, humane society, or municipal and/or county animal shelter.
- (d) No person may sell, offer for sale, trade, barter, auction, lease, rent, give away, or display for any commercial purpose, any dog on any roadside, public right-of-way, public property, commercial or institutional parking lot, sidewalk, or at any flea market, fair, or carnival. A flea market, fair, or carnival may be exempt from the application of this provision if it:
  - (1) Is properly organized and operating under the laws of the State of South Carolina;
  - (2) Registers with and obtains a certificate from the Anderson County Sheriff's Office Animal Control Division allowing the flea market, fair, or carnival to serve as a sale location;
  - (3) Posts a copy of this subdivision on the property occupied by the flea market, fair, or carnival in locations readily visible and accessible to the public; and
  - (4) Reports any known violation of this subdivision to the Anderson County Sheriff's Office Animal Control Division.

Failure to comply with these requirements may result in the revocation of the sale location certificate issued by the Anderson County Sheriff's Office Animal Control Division. The decisions of the Anderson County Sheriff's Office Animal Control Division under this section are subject to appeal and review by council.

(Ord. No. 2014-002, § 4, 2-4-2014)

Secs. 42-130—42-140. - Reserved.

## CHAPTER 1 Cruelty to Animals

### **SECTION 47-1-10.** Definitions.

As used in this chapter:

- (1) "Animal" means a living vertebrate creature except a homo sapien.
- (2) "Sustenance" means adequate food provided at suitable intervals of quantities of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition to allow for proper growth and weight and adequate water provided with constant access to a supply of clean, fresh, and potable water provided in a suitable manner for the species.
- (3) "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.

HISTORY: 1962 Code Section 6-1; 1952 Code Section 6-1; 1942 Code Section 1600; 1932 Code Section 1600; Cr. C. '22 Section 564; Cr. C. '12 Section 915; Cr. C. '02 Section 630; G. S. 1708; R. S. 512; 1998 Act No. 367, Section 1, eff May 27, 1998; 2008 Act No. 259, Section 1, eff upon approval (became law without the Governor's signature on June 5, 2008).

### **SECTION 47-1-20.** Acts of agents imputed to corporations.

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

HISTORY: 1962 Code Section 6-2; 1952 Code Section 6-2; 1942 Code Section 1600; 1932 Code Section 1600; Cr. C. '22 Section 564; Cr. C. '12 Section 915; Cr. C. '02 Section 630; G. S. 1708; R. S. 512.

### **SECTION 47-1-40.** Ill-treatment of animals generally; penalties.

(A) A person who knowingly or intentionally overloads, overdrives, overworks, or ill-treats an animal, deprives an animal of necessary sustenance or shelter, inflicts unnecessary pain or suffering upon an animal, or by omission or commission knowingly or intentionally causes these acts to be done, is guilty of a misdemeanor and, upon conviction, must be punished by imprisonment not exceeding ninety days or by a fine of not less than one hundred dollars nor more than one thousand dollars, or both, for a first offense; or by imprisonment not exceeding two years or by a fine not exceeding two thousand dollars, or both, for a second or subsequent offense.

(B) A person who tortures, torments, needlessly mutilates, cruelly kills, or inflicts excessive or repeated unnecessary pain or suffering upon an animal or by omission or commission causes these acts to be done, is guilty of a felony and, upon conviction, must be punished by imprisonment of not less than one hundred eighty days and not to exceed five years and by a fine of five thousand dollars.

(C) This section does not apply to fowl, accepted animal husbandry practices of farm operations and the training of animals, the practice of veterinary medicine, agricultural practices, forestry and silvacultural practices, wildlife management practices, or activity authorized by Title 50, including an activity authorized by the South Carolina Department of Natural Resources or an exercise designed for training dogs for hunting, if repeated contact with a dog or dogs and another animal does not occur during this training exercise.

HISTORY: 1962 Code Section 6-4; 1952 Code Section 6-4; 1942 Code Section 1594; 1932 Code Section 1594; Cr. C. '22 Section 559; Cr. C. '12 Section 910; Cr. C. '02 Section 625; G. S. 1703; R. S. 507; 1881 (17) 573; 1883 (18) 388; 1988 Act No. 401, Section 1, eff March 21, 1988; 1992 Act No. 430, Section 1, eff June 2, 1992; 1998 Act No. 367, Section 2, eff May 27, 1998; 2000 Act No. 294, Section 1, eff May 26, 2000; 2008 Act No. 259, Section 2, eff upon approval (became law without the Governor's signature on June 5, 2008); 2014 Act No. 251 (H.3361), Section 3, eff June 6, 2014.

**SECTION 47-1-50.** Cruel work; carriage in vehicles; penalties.

(A) An owner, a possessor, or a person having the charge or custody of an animal may not:

- (1) cruelly drive or work it when unfit for labor;
- (2) carry it, or cause it to be carried, in or upon a vehicle or otherwise in an unnecessarily cruel or inhumane manner.

(B) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be punished for each offense in the manner prescribed in Section 47-1-40(A).

HISTORY: 1962 Code Section 6-5; 1952 Code Section 6-5; 1942 Code Section 1595; 1932 Code Section 1595; Cr. C. '22 Section 560; Cr. C. '12 Section 911; Cr. C. '02 Section 626; G. S. 1704; R. S. 508; 1881 (17) 573; 1992 Act No. 398, Section 1, eff June 2, 1992; 1998 Act No. 367, Section 3, eff May 27, 1998.

**SECTION 47-1-60.** Cutting muscles of tails of horses, asses, mules, mares, or geldings prohibited.

Any person who (a) cuts the tissue or muscle of the tail of any horse, ass, mule, mare or gelding, or otherwise operates upon it in any manner for the purpose or with the effect of altering the natural carriage of the tail, except when such cutting or operation is necessary for the health or life of the animal, as certified to in writing by a licensed veterinarian, (b) causes, procures or knowingly permits such cutting or operation to be done or (c) assists in or is voluntarily present at such cutting or operation shall be guilty of a misdemeanor.

Any person convicted of violating any of the provisions of this section shall be fined not less than fifty nor more than one hundred dollars or imprisoned not less than fifteen nor more than thirty days.

HISTORY: 1962 Code Section 6-6; 1952 Code Section 6-6; 1942 Code Section 1603-1; 1936 (39) 1649.

**SECTION 47-1-70.** Abandonment of animals; penalties; hunting dog exception.

(A) A person may not abandon an animal. As used in this section "abandonment" is defined as deserting, forsaking, or intending to give up absolutely an animal without securing another owner or without providing the necessities of life. "Necessities of life" includes:

- (1) adequate water which means a constant access to a supply of clean, fresh, and potable water provided in a suitable manner for the species;
- (2) adequate food which means provision at suitable intervals of quantities of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition to allow for proper growth and weight;
- (3) adequate shelter which 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.

(B) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not less than two hundred nor more than five hundred dollars or imprisoned not more than thirty days, or both. Offenses under this section must be tried in the magistrate's or municipal court.

(C) A hunting dog that is positively identifiable in accordance with Section 47-3-510 or Section 47-3-530 is exempt from this section.

HISTORY: 1962 Code Section 6-7; 1952 Code Section 6-7; 1942 Code Section 1603; 1932 Code Section 1603; Cr. C. '22 Section 567; Cr. C. '12 Section 918; Cr. C. '02 Section 633; 1899 (23) 99; 1907 (25) 484; 1992 Act No. 398, Section 2, eff June 2, 1992; 1998 Act No. 367, Section 4, eff May 27, 1998.

**SECTION 47-1-75.** Immunity from civil and criminal liability.

Any person, including a person licensed to practice veterinary medicine, or an animal control officer or agent of the South Carolina Society for the Prevention of Cruelty to Animals or any society incorporated for that purpose, who in good faith and without compensation for services provided, acting without malice, recklessness, or gross negligence, renders emergency care or treatment to a domestic animal which is

abandoned, ill, injured, or in distress related to an accident or disaster shall not be liable or subject to any civil or criminal liability for any injuries or harm to such animal resulting from the rendering of such care or treatment, or any act or failure to act to provide or arrange for further medical treatment or care for such animal.

HISTORY: 2002 Act No. 205, Section 1, eff April 22, 2002.

**SECTION 47-1-80.** Destruction of abandoned infirm animal.

Any agent or officer of the Department of Health and Environmental Control or police officer or officer of the South Carolina Society for the Prevention of Cruelty to Animals or of any society duly incorporated for that purpose may lawfully destroy, or cause to be destroyed, any animal found abandoned and not properly cared for, appearing to be glandered, injured or diseased past recovery for any useful purpose.

HISTORY: 1962 Code Section 6-8; 1952 Code Section 6-8; 1942 Code Section 1603; 1932 Code Section 1603; Cr. C. '22 Section 567; Cr. C. '12 Section 918; Cr. C. '02 Section 633; 1899 (23) 99; 1907 (25) 484; 1972 (57) 2482.

**SECTION 47-1-90.** Overloading and length of confinement of animals in railroad cars.

No railroad company in the carrying or transportation of animals shall overload the cars nor permit the animals to be confined in cars for a longer period than thirty-six consecutive hours without unloading them for rest, water and feeding for a period of at least five consecutive hours, unless prevented from so unloading by storm or other accidental causes beyond the control of such railroad company; provided, however, that when animals shall be carried in cars in which they can and do have proper food, water and space and opportunity for rest, the foregoing provisions in regard to their being unloaded shall not apply.

In estimating such confinement the time during which the animals have been confined without such rest on connecting roads from which they are received shall be included, it being the intent of this section to prohibit their continuous confinement beyond the period of thirty-six hours, except upon the contingencies hereinbefore stated.

HISTORY: 1962 Code Section 6-9; 1952 Code Section 6-9; 1942 Code Section 1596; 1932 Code Section 1596; Cr. C. '22 Section 561; Cr. C. '12 Section 912; Cr. C. '02 Section 627; G. S. 1705; R. S. 509; 1881 (17) 573; 1923 (33) 118; 1924 (33) 949.

**SECTION 47-1-100.** Care of animals unloaded during transit.

Animals unloaded as required by Section 47-1-90 shall be properly fed, watered and sheltered during such rest by the owner or person having the custody thereof or, in case of his default in so doing, then by the railroad company transporting such animals at the expense of the owner or person in custody thereof; and the company shall, in such case, have a lien upon such animals for food, care and custody furnished and shall not be liable for any detention of such animals.

HISTORY: 1962 Code Section 6-10; 1952 Code Section 6-10; 1942 Code Section 1596; 1932 Code Section 1596; Cr. C. '22 Section 561; Cr. C. '12 Section 912; Cr. C. '02 Section 627; G. S. 1705; R. S. 509; 1881 (17) 573; 1923 (33) 118; 1924 (33) 949.

**SECTION 47-1-110.** Violations of Sections 47-1-90 and 47-1-100.

Any company or the owner or custodian of such animals who shall fail to comply with the provisions of Sections 47-1-90 and 47-1-100 shall, for each and every such offense, if found guilty, be fined not less than fifty nor more than five hundred dollars, in any court of competent jurisdiction.



HISTORY: 1962 Code Section 6-11; 1952 Code Section 6-11; 1942 Code Section 1596; 1932 Code Section 1596; Cr. C. '22 Section 561; Cr. C. '12 Section 912; Cr. C. '02 Section 627; G. S. 1705; R. S. 509; 1881 (17) 573; 1923 (33) 118; 1924 (33) 949.

**SECTION 47-1-120.** Custody of animals in charge of arrested persons.

When a person arrested is, at the time of the arrest, in charge of an animal, an agent of the South Carolina Society for the Prevention of Cruelty to Animals, or of any society incorporated for that purpose, may take charge of the animal and deposit the animal in a safe place of custody or deliver the animal into the possession of the police or sheriff of the county or place where the arrest was made, who shall assume the custody of the animal; and all necessary expenses incurred in taking charge of the animal shall be a lien thereon.

HISTORY: 1962 Code Section 6-12; 1952 Code Section 6-12; 1942 Code Section 1603; 1932 Code Section 1603; Cr. C. '22 Section 567; Cr. C. '12 Section 918; Cr. C. '02 Section 633; 1899 (23) 99; 1907 (25) 484; 1998 Act No. 367, Section 5, eff May 27, 1998.

**SECTION 47-1-125.** Coloring or dying animals prohibited; sale or distribution of certain young animals prohibited; penalty.

(1) It is unlawful for any person to dye or color artificially any animal or fowl, including but not limited to rabbits, baby chickens, and ducklings, or to bring any dyed or colored animal or fowl into this State.

(2) It is unlawful for any person to sell, offer for sale or give away as merchandising premiums, baby chickens, ducklings or other fowl under four weeks of age or rabbits under two months of age to be used as pets, toys or retail premiums.

(3) This section shall not be construed to apply to any animal or fowl, including but not limited to rabbits, baby chickens and ducklings to be used or raised for agricultural purposes by persons with proper facilities to care for them or for poultry or livestock exhibitions.

(4) Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than two hundred dollars or imprisoned for not more than thirty days.

HISTORY: 1980 Act No. 410.

**SECTION 47-1-130.** Arrest by law enforcement officers for violation of laws prohibiting cruelty to animals.

(A) Any person violating the laws in relation to cruelty to animals may be arrested by a law enforcement officer and held, without warrant, in the same manner as in the case of persons found breaking the peace.

(B) The South Carolina Society for the Prevention of Cruelty to Animals, or other organizations organized for the same purpose, may not make an arrest for a violation of the laws in relation to cruelty to animals.

HISTORY: 1962 Code Section 6-13; 1952 Code Section 6-13; 1942 Code Section 1598; 1932 Code Section 1598; Cr. C. '22 Section 562; Cr. C. '12 Section 913; Cr. C. '02 Section 628; G. S. 1706; R. S. 510; 1881 (17) 574; 2014 Act No. 251 (H.3361), Section 4, eff June 6, 2014.

**SECTION 47-1-140.** Notice to owners; care of animals after arrest of person in charge; lien.

The law enforcement officer making the arrest, with or without warrant, shall use reasonable diligence to give notice to the owner of the animals found in the charge or custody of the person arrested, if the person is not the owner, and shall care and provide properly for the animals. The law enforcement officer making the arrest shall have a lien on the animals for the expense of such care and provision unless the charge is dismissed or nol prossed or the person is found not guilty, then the lien is extinguished. The lien also may be extinguished by an agreement between the person charged and the prosecuting agency or the law

enforcement agency in custody of the animal. Notwithstanding any other provision of law, an animal may be seized preceding an arrest and pursuant to Section 47-1-150.

HISTORY: 1962 Code Section 6-14; 1952 Code Section 6-14; 1942 Code Section 1598; 1932 Code Section 1598; Cr. C. '22 Section 562; Cr. C. '12 Section 913; Cr. C. '02 Section 628; G. S. 1706; R. S. 510; 1881 (17) 574; 1998 Act No. 367, Section 6, eff May 27, 1998; 2014 Act No. 251 (H.3361), Section 5, eff June 6, 2014.

**SECTION 47-1-150.** Issuance of search warrant; purpose of section; motions regarding custody of animal; notice; care, disposal of, or return of animal.

(A) When complaint is made on oath or affirmation to any magistrate authorized to issue warrants in criminal cases that the complainant believes and has reasonable cause to believe that the laws in relation to cruelty to animals have been or are being violated in any particular building or place, such magistrate, if satisfied that there is reasonable cause for such belief, shall issue a search warrant authorizing any sheriff, deputy sheriff, deputy state constable, constable or police officer to search such building or place; but no search shall be made after sunset, unless specially authorized by the magistrate upon satisfactory cause shown. If an animal is seized pursuant to this section and the South Carolina Society for the Prevention of Cruelty to Animals, or other society incorporated for that purpose is involved with the seizure, the animal may be held pending criminal disposition of the case at a facility maintained or contracted by that agency.

(B) The purpose of this section is to provide a means by which a neglected or mistreated animal can be:

- (1) removed from its present custody; or
- (2) made the subject of an order to provide care, issued to its owner by the magistrate or municipal judge, any law enforcement officer, or any agent of the county and given protection and an appropriate and humane disposition made.

(C) Any law enforcement officer or any agent of any county or of the South Carolina Society for the Prevention of Cruelty to Animals, or any society incorporated for that purpose may move before a magistrate for an order to:

(1) lawfully take custody of any animal found neglected or cruelly treated by removing the animal from its present location if deemed by the court that removal is necessary to prevent further suffering or ill-treatment, or

(2) order the owner of any animal found neglected or cruelly treated to provide certain care to the animal at the owner's expense without removal of the animal from its present location, and shall forthwith petition the magistrate or municipal judge of the county or municipality wherein the animal is found for a hearing, to be set within twenty-four hours after the date of seizure of the animal or issuance of the order to provide care and held not more than two days after the setting of such date, to determine whether the owner, if known, is able to provide adequately for the animal and is fit to have custody of the animal. The hearing shall be concluded, and the court order entered the date the hearing is commenced. No fee shall be charged for the filing of the petition. Nothing herein is intended to require court action for the taking into custody and making proper disposition of stray or abandoned animals as lawfully performed by animal control agents.

(D) The officer or agent of any county or of the South Carolina Society for the Prevention of Cruelty to Animals, or of any society incorporated for that purpose, taking charge of any animal pursuant to the provisions of this section shall have written notice served prior to the hearing set forth in subsection (C)(2), upon the owner of the animal, if he is known and is residing in the county where the animal was taken. The sheriff of the county shall not charge a fee for service of such notice. If the owner of the animal is known but is residing outside of the county wherein the animal was taken, notice of the hearing shall be by publication.

(E) If any seized animal held by court order at the owner's premises is removed without notification to the investigating agency, or if an animal becomes sick or dies, and the owner or custodian fails to immediately notify the investigating agency, the owner must be held in contempt of court and fined up to the penalties provided by law.

(F) The officer or agent of any county or of the South Carolina Society for the Prevention of Cruelty to Animals, or of any society incorporated for that purpose, taking charge of an animal as provided for in this section shall provide for the animal until either:

(1) The owner is adjudged by the court to be able to provide adequately for, and have custody of, the animal, in which case the animal shall be returned to the owner upon payment for the care and provision of the animal while in the agent's or officer's custody; or

(2) The animal is turned over to the officer or agent as provided in Section 47-1-170 and a humane disposition of the animal is made.

(G) If the court determines that the owner is able to provide adequately for, and have custody of the animal, the order shall provide that the animal in possession of the officer or agent be claimed and removed by the owner within seven days after the date of the order.

HISTORY: 1962 Code Section 6-15; 1952 Code Section 6-15; 1942 Code Section 1599; 1932 Code Section 1599; Cr. C. '22 Section 563; Cr. C. '12 Section 914; Cr. C. '02 Section 629; G. S. 1707; R. S. 511; 1881 (17) 574; 1998 Act No. 367, Section 7, eff May 27, 1998; 2014 Act No. 251 (H.3361), Section 6, eff June 6, 2014.

**SECTION 47-1-170.** Penalties for violations of chapter.

The owner or person having charge or custody of an animal cruelly used who is convicted of any violation of this chapter forfeits ownership, charge, or custody of the animal and at the discretion of the court, the person who is charged with or convicted of a violation of this chapter must be ordered to pay costs incurred to care for the animal and related expenses.

HISTORY: 1962 Code Section 6-18; 1952 Code Section 6-18; 1942 Code Section 1602; 1932 Code Section 1602; Cr. C. '22 Section 566; Cr. C. '12 Section 917; Cr. C. '02 Section 632; G. S. 1710; R. S. 574; 1881 (17) 575; 1998 Act No. 367, Section 8, eff May 27, 1998.

**SECTION 47-1-200.** Requirements for transfer of animals and importation or exportation of dog or cat; penalties for violations.

(A) During transportation, an animal must not be confined in one area for more than twenty-four consecutive hours without being adequately exercised, rested, fed, and watered. The time may be extended reasonably when an act of God causes a delay. The animal must be provided adequate space and ventilation.

(B) A dog or cat under eight weeks of age must not be imported or exported without being accompanied by its dam.

(C) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than two hundred nor more than five hundred dollars or imprisoned for not more than thirty days, or both.

HISTORY: 1992 Act No. 398, Section 3, eff June 2, 1992.

**SECTION 47-1-210.** Live animals as prizes; exceptions; penalties.

(A) It is unlawful to give away a live animal including, but not limited to, a fish, bird, fowl, or reptile, as a prize for, or as an inducement to enter, any contest, game, or other competition, or as an inducement to enter a place of amusement, or for these species to be used as an incentive to enter into any business agreement if the offer made was for the purpose of attracting trade.

(B) Nothing in this section may be construed to prohibit an auction or raffle of a live animal including, but not limited to, a fish, bird, fowl, or reptile. Further, the giving away or the testing of game or fowl for breeding purposes only is lawful and is not prohibited by this section as an incentive to enter into a business agreement if the person giving away or testing game or fowl is engaged in that trade.

(C) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be punished for each separate offense by a fine not to exceed three hundred dollars or imprisonment not to exceed thirty days, or both.

(D) This section does not apply when a live animal is given away as follows:

(1) by individuals or organizations operating in conjunction with a cooperative extension education program or agricultural vocational program sanctioned by the State Department of Education or local school districts;

(2) by individuals or organizations operating in conjunction with field trials approved by the Department of Natural Resources; or

(3) by kennels that advertise in national publications in regard to dogs that are registered with the United Kennel Club or the American Kennel Club.

HISTORY: 1999 Act No. 57, Section 1, eff June 11, 1999.