



AN ORDINANCE

AN ORDINANCE TO AMEND CHAPTER 6 OF THE SPARTANBURG COUNTY CODE OF ORDINANCES ENTITLED “ANIMALS” TO PROVIDE FOR ENHANCED ANIMAL WELFARE, INCREASE PUBLIC SAFETY, PROTECT COMMUNITY HEALTH, PROVIDE LEGAL CLARITY AND INCREASE RESPONSIBILITY AND ACCOUNTABILITY FOR OWNERS OF ANIMALS.

WHEREFORE, S.C. Code 1976, 4-9-30(14) provides for the enactment of ordinances for the implementation and enforcement of the powers of the county council in reference to public health, public safety, police protection and sanitation as referenced to in S.C. Code 1976, 4-9-30(5); and

WHEREFORE, Chapter 6 of the Spartanburg County Code of Ordinances relative to the animals was enacted to promote the general health, safety and welfare of the citizens of the county and to protect their property rights; and

WHEREFORE, Chapter 6 of the Spartanburg County Code of Ordinances was further enacted to S.C. Code 1976, 47-3-20, which empowers the governing body of each county to enact ordinances and promulgate regulations for the control of pets and to prescribe penalties for violations thereof; and

WHEREOF, Spartanburg County Council now finds the need to amend Chapter 6 of the Spartanburg County Code of Ordinances relative to animals in order to provide for enhanced animal welfare, increase public safety, protect community health, provide legal clarity and increase responsibility and accountability for owners of animals.

NOW, THEREFORE, BE IT ORDAINED BY SPARTANBURG COUNTY COUNCIL THAT THE FOLLOWING AMENDMENTS BE MADE TO CHAPTER 6 OF THE SPARTANBURG COUNTY CODE OF ORDINANCES:

SECTION 1: Chapter 6 of the Code of the County of Spartanburg is amended to provide as follows:

Chapter 6 ANIMALS

Sec. 6-1. Authority for and enactment of chapter.

This chapter is enacted pursuant to S.C. Code 1976, § 4-9-30(14), which provides for the enactment of ordinances for the implementation and enforcement of the powers of the county council in reference to public health, public safety, police protection and sanitation as referred to in S.C. Code 1976, § 4-9-30(5). This chapter is enacted to promote the general health, safety and welfare of the citizens of the county and to protect their property rights. This chapter is further enacted pursuant to S.C. Code 1976, § 47-3-20, which empowers the governing body of each county to enact ordinances and promulgate regulations for the control of pets and to prescribe penalties for violations thereof. The regulations included in this chapter will only be applicable to those unincorporated areas of the Spartanburg County.

(Ord. No. O-12-01, 1-23-12; Ord. No. O-19-26 , § 1, 8-19-19)

Sec. 6-2. Definitions.

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

Adequate care – the responsible practice of good animal husbandry, handling, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment, and when necessary, euthanasia, appropriate for the age, species, condition, size and type of the animal and the provision of veterinary care when needed to prevent suffering or impairment of health.

Adequate exercise – the opportunity for the animal to move sufficiently to maintain normal muscle tone and mass for the age, species, size and condition of the animal.

Adequate feed – access to and the provision of food that is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a veterinarian or as dictated by naturally occurring state of hibernation or fasting normal for the species

Adequate shelter – provision of and access to shelter that is suitable for the species, age, condition, size and type of each animal; provides adequate space for each animal; is safe and

protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; during hot weather, is properly shaded and does not readily conduct heat; during cold weather, has a windbreak at its entrance and provides a quantity of bedding material consisting of straw, cedar shavings or the equivalent that is sufficient to protect the animal from cold and promote the retention of body heat; and for dogs and cats, provides a solid resting platform, pad, floormat or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this chapter, shelters or pet resource centers whose wire, grid or slat floors: (i) permit the animals' feet to pass through the openings; (ii) sag under the animals' weight or (iii) otherwise do not protect the animals' feet or toes from injury are not adequate shelter. Examples of unacceptable or inadequate shelter include, but are not limited to, access to the underneath or inside of abandoned or derelict motor vehicles; metal or plastic garbage cans or barrels; animal transport crates or carriers; under open house structures such as decks, steps, or stoops which would still allow for the elements to enter.

Adequate space – sufficient space to allow each animal to: (i) easily stand, sit, lie, turn about and make all other normal body movements in a comfortable, normal position for the animal and (ii) interact safely with other animals in the enclosure.

Adequate water – the provision of and access to clean, fresh, potable water of a drinkable temperature that is provided in a suitable manner, in sufficient volume, and at suitable intervals appropriate for the weather and temperature, to maintain normal hydration for the age, species, condition, size and type of each animal, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species; and is provided in clean, durable receptacles that are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests or an alternative source of hydration consistent with generally accepted husbandry practices

Ambient temperature – the temperature surrounding the animal

Animal - Any nonhuman living vertebrate, whether wild or domesticated.

Animal control/environmental enforcement litter officer - A person employed by the county as the enforcement officer of the provisions of this chapter.

Animal establishment - Any pet shop, grooming shop, animal auction, performing animal exhibition, kennel or animal shelter, except this term shall not include veterinary medical facilities, licensed research facilities, facilities operated by government agencies, or licensed animal dealers regulated by the USDA under the provisions of U.S. Public Laws 89-544, 91-579, 94-279, 99-198 and 101-624.

Animal shelter - A facility designated or recognized by the county council for the purpose of impounding and caring for animals.

At large - An animal or pet off the property of the owner or keeper and not under restraint, except for a community cat.

Breeder - a person who keeps, maintains or harbors any intact dog or cat for the purposes of breeding and selling the puppies or kittens.

Cat – a domestic cat or Felis catus.

Community Cat - Any free roaming cat that may be cared for by one or more residents of the immediate area who is/are known or unknown; a community cat may or may not be socialized. Community cats are cats who are ear tipped or tattooed; ~~are~~ sterilized and have received at least one vaccination against rabies. Community cats are exempt from any licensing, stray, abandonment and at-large provisions. A community cat may also be defined as a cat 'found' outside that is brought to an animal shelter and not yet sterilized/ear tipped.

Community Cat Caregiver- A person who provides care, including food, shelter or medical care to a community cat, while not being considered the owner, custodian, harbinger, controller or keeper of a community cat or to have care or charge of a community cat. Caregivers must make every effort to minimize the impact on local wildlife, feed the proper quantity of food for the number of cats in appropriate food containers, properly discard food containers daily and feed only on their property or with the permission of another landowner (city, state or federal public property). Community cat caregivers may redeem community cats from the shelter without proof of ownership and are exempt from any charges and/or fees.

County - Unincorporated area of the county and any municipality which has contracted with the county council for animal control services and which has adopted appropriate legislation.

Dangerous or vicious animal - Any animal constituting a physical threat to human beings or other animals, or evidencing an abnormal inclination to attack persons or animals without provocation, or having a tendency to do any act repeatedly which might endanger the safety of persons or property.

Department - Spartanburg County **Environmental Enforcement** Department(s) designated by the County to enforce this Chapter.

Dog – domestic dog or Canis lupus familiaris.

Ear tipping - The removal of the ¼ inch tip of a community cat's ear, performed while the cat is under anesthesia, in compliance with any applicable federal or state law, and under the supervision of a licensed veterinarian, designed to be the universal identification that the community cat is sterilized and lawfully vaccinated against rabies at least once. Tattooing may also identify a cat as sterilized. Caregivers must make every effort to booster the rabies vaccination as per the manufacturer instructions.

Euthanasia; euthanize; euthanized - Methods of destruction provided by the South Carolina Code of 1976 for impounded animals. In other circumstances used in this chapter, such terms shall relate to the destruction of an animal by a method approved by the county administrator as a proper and humane method for summary destruction.

Exposure to rabies - Means any person or animal, which was been bitten or exposed to any animal known to have been infected with rabies. This determination shall be made by the South Carolina **Department of Public Health and Environmental Control** as provided for in state law.

Humane manner - Care of animal to include, but not limited to, adequate heat, ventilation and sanitary shelter, wholesome food and water, consistent with the normal requirements and feeding habits of the animals size, species and breed.

Kennel - An establishment kept for the purpose of boarding dogs or cats.

Neutered - Rendered permanently incapable of reproduction.

Nuisance - An animal which damages, soils, defiles or defecates on private property other than the owners without permission or the property owner or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner; causes unsanitary, "dangerous" or offensive conditions or odors; causes a disturbance by excessive barking or howling that interferes with the reasonable use and enjoyment of neighboring premises; or chases vehicles, or molests, attacks or interferes with persons or other domestic animals on public property.

Owner or keeper - A person having the right of property or custody of a dog, cat or animal or who keeps or harbors a dog, cat or animal or knowingly permits a dog, cat or animal to remain on or about any premises occupied by that person, any person who has an animal in his care or any person who acts as its custodian.

Person - Any individual, corporation, partnership, organization, or institution commonly recognized by law as a unit.

Pet - For the purpose of this chapter pet shall mean dog or cat.

Pet shop - An establishment engaged in the business of buying or selling, at retail, dogs or cats or other animals for profit making purposes.

Plainly audible – any sound that can be detected by a person using his or her unaided hearing facilities. As an example, if the sound source were a portable or personal vehicular sound amplification or reproduction device, the enforcement office need not determine the title of the song, specific words, or the artist performing the song. The detection of the rhythmic base component of the music is sufficient to constitute a plainly audible sound.

~~*Shelter* – For purpose of this provision, shelter is defined as an enclosed, weatherproof structure that is manufactured or constructed expressly for housing a pet 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 (see S.C. Code 1976, § 47-1-40). The shelter must be structurally sound with solid walls and roof or a similar type configuration with an opening allowing the pet to enter; which is accessible to the pet at all times; and which is of sufficient size and nature as to provide the pet with adequate protection from the sun, heat, cold, snow, ice or rain. There must be enough space suitable for the pet's age, size, and species and breed to permit it to turn about freely. The structure must so constructed or elevated enough off the ground to keep water, snow and ice from entering and allow the pet to remain comfortable in outside conditions.~~

~~Examples of unacceptable or inadequate shelter include, but are not limited to, access to the underneath or inside of abandoned or derelict motor vehicles; metal or plastic garbage cans or barrels; animal transport crates or carriers; under open house structures such as decks, steps, or stoops which would still allow for the elements to enter.~~

Recognized pet rescue organization – an organization existing to rescue and rehome animals, which is properly organized under the laws of the State of South Carolina, or is nationally recognized, and which has registered with, been approved by and is in good standing the Spartanburg County Pet Resource Center and has obtained all required permits from the Spartanburg County Planning and Development Department

Serious injury – an injury having a reasonable potential to cause death or any injury other than a single puncture, sprain or strain, including serious disfigurement, serious impairment of health, or serious impairment of bodily function and requiring significant medical attention

Shelter/Neuter/Return (also known as Return to Field) -Sterilizing, ear tipping and vaccinating a free roaming cat large enough for spay/neuter and returning him to his original home location as opposed to admitting to a shelter.

Spayed - Rendered permanently incapable of reproduction.

Stray - An animal at large.

Sustenance - Adequate food provided at suitable intervals of quantities or wholesome foodstuff available for the species and age, sufficient to maintain a reasonable level of nutrition to allow for proper growth and weight and constant access to a supply of clean, fresh, potable water provided in a suitable manner for the species.

Tattoo: an ink marking (typically a ¼ inch line) made by a veterinary surgeon at the time of spay/neuter to identify a pet as sterilized

Trap/Neuter/Return (TNR)- The process of humanely trapping, sterilizing, vaccinating against rabies and ear tipping or tattooing community cats and returning them to their original location.

Under restraint - As related to pets, controlled by means of a chain, leash or other restraining device, or sufficiently near the owner or handler to be under the direct control and obedience to the commands of the owner or handler, or on the property of the owner, or on other property with that property owners permission, or secured within a vehicle being driven or parked.

Vicious animal – any animal that has (i) killed a person, (ii) inflicted serious injury to a person or (iii) continued to exhibit the behavior that resulted in a previous finding by a court that it is a dangerous animal, provided that its owner has been given notice of that finding

(Ord. No. O-12-01, 1-23-12; Ord. No. O-16-31, § 1, 10-17-16; Ord. No. O-19-26 , § 2, 8-19-19)

Sec. 6-3. Uniform summons for violations.

- (a) In addition to or in lieu of impounding an animal, the animal control officer or any enforcement officer having jurisdiction may issue to the owner or keeper of an animal or to any person violating any provision of this chapter, a uniform summons for violation.
- (b) The animal control officer and any enforcement officer having jurisdiction shall be authorized and required to cause the inspection of any public or private property within the limits of the county whenever it shall be necessary to enforce the provision of this chapter. County enforcement officers may obtain a search warrant to enter private dwellings when there is probable cause to believe that a violation of this chapter is occurring or has occurred for the purpose of examining or impounding any animal or for obtaining evidence of a violation of this chapter.

(Ord. No. O-12-01, 1-23-12)

Sec. 6-4. Violations as misdemeanors; penalty.

Any person who violates any provision of this chapter shall be guilty of a misdemeanor and upon conviction, shall be subject to a fine not exceeding \$500.00, plus court costs or imprisonment for a term not exceeding 30 days, or both.

(Ord. No. O-12-01, 1-23-12)

Sec. 6-5. Animal control/environmental enforcement litter officers.

- (a) *Powers and duties generally; assistance by other officers.* The animal control/environmental enforcement litter officer shall have the power to enforce this chapter, to cooperate with the health department in quarantining animals to carry out the duties and assume the responsibilities of this chapter. For the purpose of enforcing this chapter, the sheriff, deputy sheriffs, county police officers, magistrates, constables and the police officers of any incorporated municipality which contracts with the county council are authorized and instructed to assist the animal control/environmental enforcement litter officer. The animal control/environmental enforcement litter officer shall have the power of impoundment of any stray pets and in any of the other circumstances of impoundment described in this chapter.
- (b) *Maintenance of records.* The animal control/environmental enforcement litter officer shall maintain such records as may be prescribed by the county administrator and as necessary to account for the activities of that office.
- (c) *Enforcement.* The animal control/environmental enforcement litter officer shall patrol areas of the county for the purposes of enforcing this chapter. The animal control/environmental enforcement litter officer may require a signed complaint whenever he or she deems it advisable.

(Ord. No. O-12-01, 1-23-12)

Sec. 6-6. ~~Animal shelter~~Pet Resource Center.

- (a) *Operation.* The ~~animal shelter~~Pet Resource Center shall be operated to impound, care for, quarantine or euthanize pets held pursuant to this chapter. The county may enter into contracts with organizations for the operation ~~or of~~ the animal shelter and may contract with municipalities for the use or operation of animal shelters.
- (b) *Stray pets.* Stray pets may be delivered to the animal shelter at no charge to persons making such a delivery at the allotted times. Except as otherwise provided in this chapter, animal shelter and animal control personnel shall make a reasonable effort to locate the owners of pets before admitting them to the Spartanburg County Pet Resource eCenter ('Pet Resource Center') and making disposition. Animal control personnel ~~and~~ shall have authority to seize all stray pets and take such pets to a designated animal shelter Pet Resource Center when they are threatening animal and public safety, suffering or are in danger. Any person on whose property a stray pet is found may seize the pet and deliver it to the animal shelter Pet Resource Center for impoundment if they are unable or unwilling to foster the pet and search for the owner, except for healthy community cats. -

- (c) *Impoundment; necessary arrangements; ascertainment of owner; release.* Any stray animal may be impounded by the animal control or any authorized officer. If such animal is not a dog or cat, the animal control or any authorized officer, with the approval of the department director, shall make such arrangements as may be necessary for the impoundment, care, quarantine or euthanization of such animal. Upon such impoundment, the animal control or authorized officer shall make an effort to ascertain the owner of the animal. The owner of an impounded animal may obtain its release upon compliance with the requirements prescribed by the county administrator, including the payment of fees. The County Fees Schedule may establish lower fees if the owner elects sterilization, rabies vaccination and microchipping of the animal.
- (d) *Owner surrendered animals.* The Pet Resource Center staff will assist pet owners to exhaust all other options to shelter intake/surrender prior to admitting the pet to the shelter. If an owner chooses to surrender an animal to the animal shelter and If a pet is admitted to the Pet Resource Center a fee will of \$37.00 will be charged to the owner in accordance with the County fee schedule. If an owner chooses to surrender a litter to the county, a fee of \$50.00 will be charged to the owner. Any owner surrendered animal will be disposed of in accordance with state law.

(Ord. No. O-12-01, 1-23-12)

Sec. 6-7. Wounded or diseased animals.

An animal that is wounded or diseased or in great pain, in the judgment of the animal control or any authorized officer or authorized animal shelter personnel, may be humanely destroyed-euthanized immediately.

(Ord. No. O-12-01, 1-23-12)

Sec. 6-8. Rabies control.

- (a) *Generally.* No person shall own, keep, or harbor any dog or cat over four months of age within Spartanburg County unless such dog or cat is vaccinated against rabies.
- (b) *Inoculation.* All dogs, cats and ferrets shall be vaccinated against rabies by a licensed veterinarian, in accordance with the latest "Compendium of Animal Rabies Prevention and Control" authored by the National Association of State Public Health Veterinarians and published annually in the Journal of the American Veterinary Medical Association and approved by the South Carolina Department of Public Health ~~and Environmental Control~~.
- (c) *Proof of inoculation.* A certificate of vaccination shall be issued to the owner of each animal vaccinated on a form recommended by the Compendium. Each owner shall also receive a durable vaccination tag indicating the year in which it was issued. The name and telephone number of the veterinarian, veterinary hospital or practice. The rabies tag must be attached to a collar or harness and worn by the pet at all times.
- (d) *Certificate available upon request.* The owner shall have a valid certificate available for inspection by the animal or enforcement officer upon request.

- (e) *Duplicate issue of tag.* If a rabies or license tag is lost, the owner will obtain a duplicate tag without delay.
- (f) *Notification of rabies control officer of attack.* If a citizen is attacked or witnesses an attack on a person by an animal, he shall notify the rabies control officer in the health department. Whenever the animal control officer is notified that an animal has bitten or attacked a person, such officer shall promptly notify the county health department of such bite or attack and shall cooperate with the health department in impounding and quarantining the animal.
- (g) *Current rabies license required.* Any person who fails to have a current rabies license for their dog or cat shall be subjected to the penalties herein guilty of a misdemeanor punishable by a fine not exceeding \$250.00. Upon conviction for a second or subsequent offense, any person shall be guilty of a misdemeanor punishable by a fine not exceeding \$500.00 plus court costs.
- (h) *Removal of rabies license.* It shall be unlawful for any person to remove the rabies tag from a pet as provided for in this chapter. The assertion that someone other than the owner removed such tag shall not be a defense to any action or procedures under this chapter, the owner being deemed, under this chapter, responsible for the attachment of the tag.

(Ord. No. O-12-01, 1-23-12)

Sec. 6-9. Keeping dangerous or vicious animals.

- ~~(a) No person owning or harboring or having the care or the custody of a dangerous or vicious animal may permit the animal to go unconfined on the premises of the owner or keeper. A dangerous animal is "unconfined" as the term is used in this chapter if the animal is not securely confined indoors or confined in a securely enclosed and locked pen, cage or enclosed area. The pen, cage or enclosed area also must have sides sufficiently high to keep the animal from escaping. If the pen, cage or structure has no bottom secured to the sides, the sides must be imbedded into the ground at a depth of no less than one foot. However, the provisions of this section shall not apply to any dog that is owned by a licensed security company and is on patrol in a confined area.~~
- ~~(b) Any animal which has been determined to be a dangerous or vicious animal may be impounded and may not be redeemed unless such redemption is authorized by the director of environmental enforcement or his designee.~~

(Ord. No. O-12-01, 1-23-12)

Sec. 6-9. [Reserved]

Sec. 6-10. Abandoned animals.

- (a) It shall be ~~unlawful a misdemeanor punishable in accordance with Section 6-4,~~ for the owner or custodian of an animal a dog, cat or other domesticated animal or fowl to abandon it in any public place, including the right-of-way of any public or private highway, road or street or on the property of another.
- (b) A pet running at large which has no rabies tag, identification tag, tattoo, or other mark or device that identifies the owner, shall be deemed abandoned property, as to which the county may assert a paramount interest as to health, safety and protection of the public. The county may take title to such pets by and through the animal control officer and may impound, euthanize or authorize euthanization of such pets as potential nuisances.
- (c) A dangerous or vicious animal may be ~~summarily destroyed~~euthanized by the authorized officers when the safety of the officers or other persons is immediately endangered and ~~summary destruction-euthanasia~~ is necessary to prevent injury.
- (d) Returning a community cat to their original home location or relocating them with the coordination of a caregiver does not constitute abandonment.

(Ord. No. O-12-01, 1-23-12)

Sec. 6-11. Interference with animal control or environmental enforcement litter officers.

- (a) It shall be unlawful for any person to interfere with, hinder, or molest (i.e., annoy, interfere with, or meddle with so as to trouble or harm, or with the intent to trouble or harm) the animal control or authorized officer in the execution of his or her duties or seek to release any animal in the custody of the animal control or authorized officer, except as provided in this chapter.
- (b) It shall be unlawful for any person to interfere, destroy or tamper with any live animal control trap or remove any animal from an animal control trap or remove an animal control trap without permission of the animal control office.
- (c) Any person who violates any provision of this chapter shall be guilty of a misdemeanor and punished in accordance with Section 6-4. Any violation shall be deemed a violation of this section and the owner shall be subject to a fine of \$500.00.

(Ord. No. O-12-01, 1-23-12)

Sec. 6-12. Ill treatment/cruelty of animals.

Whoever abuses, cruelly treats, tortures, torments, deprives of necessary sustenance of shelter, inflicts unnecessary pain or suffering, overworks, overloads or overdrives any animal or causes the same to be done, shall, for every offense, be guilty of a misdemeanor and, upon conviction, be punished in accordance with section 6-4 of this chapter.

~~(1) a. Pet owners and caretakers who fail to provide their pets with proper food, water, and shelter violate the law. It is also a violation to fail to provide such care as proper confinement, veterinary care and a healthful environment~~

- b. ~~Animal owners and caretakers of animals which customarily do not require shelter but who fail to provide their animals with proper food, water, proper confinement, veterinary care and a healthy environment violate the law.~~
- c. ~~Felines that meet the requirements of Spartanburg County Resolution #R-16-130 are exempt.~~
- (2) ~~Shelter. Animals left outside that customarily require shelter must be provided shelter as defined in section 6-2.~~
- (3) ~~Water. Animals must have access to clean water at all times.~~
- (4) ~~Food. Animals must be provided with food in sufficient quantity every day.~~
- (5) ~~Veterinary care. Veterinary care must be provided for animals showing persistent symptoms of disease or illness such as vomiting, diarrhea, emaciation, loss of appetite, or discharge from the eyes or nose. An animal that has been injured or appears to be in pain must be provided with immediate veterinary care.~~
- (61) *Exhibiting animals; unlawful display.* It shall be unlawful for any person to exhibit, keep, or display pets, animals, birds, or fowl of any kind in any manner without shading said animals from the sun, and providing adequate shelter, food, water and ventilation for their use and comfort. A violation shall be a misdemeanor punishable by a fine not to exceed \$500.
- (72) *Authority to remove an animal.* If an animal control or authorized officer finds that an animal is without the appropriate provisions as stated above, then the animal control or authorized officer is authorized to direct the person in charge of the premises or having control of the animal(s) that such provisions be immediately provided or the officer has the authority to remove the animal for the well being of the animal. It shall be unlawful for a person to fail to comply with such order to provide the appropriate provisions after being instructed to do so. A violation shall be a misdemeanor punishable by a fine not to exceed \$500.
- (3) *Animal left in enclosed vehicle – heat stress.* Any person who confines an animal in an unattended, enclosed vehicle so as to cause the animal to suffer heat stress, shall be guilty of a misdemeanor punishable in accordance with Section 6-4. The animal control officer or other officer shall have the authority to remove any animal found in an enclosed vehicle that appears to be suffering from heat stress. The animal shall be provided immediate veterinary care. The animal owner or custodian shall be responsible for all expenses incurred during the removal of the animal or its subsequent treatment and impoundment.

(Ord. No. O-12-01, 1-23-12; Ord. No. O-19-26 , § 3, 8-19-19)

State law reference(s)—S.C. Code Ann. 47-1-40 (1976).

Sec. 6-13. Humane tethering of pets.

- (a) It shall be unlawful for a person, owner, keeper, to tether, fasten, chain, tie, rope, cable, or restrain a pet to a house, tree, fence, street pole or any other stationary object except in the following instances:
 - (1) Tethered on the owners/caretakers private property.
 - (2) Tethered pursuant to requirements of a RV park, camping campground, or other recreational area that may require overnight stay.
 - (3) Tethered while engaged in lawful hunting event or other related animal activities.
- (b) Instances where tethering is necessary/required shall be allowed as follows:
 - (1) The tether must be connected to the pet by a buckle-type collar or body harness made either of nylon, leather, or other non-metallic, durable material.
 - (2) A non-metallic tether system must be used which is connected to a single stake or similar system with a swivel top. The system must have swivel type connections on each end and must be at least 12 feet in length and allow the canine to have as close to 360 degrees circular movement as practicable.
 - (3) Tethering to a running line, pulley, or trolley system which is elevated no higher than seven feet off the ground in a manner that allows the tether to move freely along the length of the running line, pulley, or trolley is allowed. There must be at least 15 feet of distance between the two points. The system must allow the canine to move freely along the length without being entangled and allow the pet to have access to adequate shelter as defined in section 6-2. The area must be debris free and have usable space.
 - (4) Only one pet may be attached per running line, pulley or trolley system to prevent any injuries, entanglement and or strangulation.
 - (5) The harness and or collar must be fitted so as to not cause injury or become embedded in the pet's neck.
 - (6) As required by law and county ordinance, the pet must be provided adequate shelter, food and water as defined and regulated throughout section 6.
 - (7) The tethered pet must be no less than ten feet from the edge of any public road or sidewalk.
 - (8) The pet must not be tethered in a location that does not provide shade and which is continuously wet or muddy creating an unhealthy environment.
 - (9) No pet under the age of six months can be tethered.

(c) A violation of this section shall be a misdemeanor punishable by a fine not to exceed \$500.

(Ord. No. O-19-26, § 4, 8-19-19)

Sec. 6-14. Animals in heat.

The owner or keeper of a female pet in heat shall keep it in an enclosed building or structure or veterinary hospital or kennel so as not to create a nuisance by attracting male animals.

(Ord. No. O-12-01, 1-23-12; Ord. No. O-19-26 , § 4, 8-19-19)

Sec. 6-15. Redemption of impounded animals/fees.

(a) The owner shall be entitled to resume possession of an impounded animal, except as provided in this section, upon compliance with the rabies vaccination, proper identification and the payment of redemption fees and other expenses of confinement. The County Fee Schedule may establish lower fees if the owner elects sterilization, rabies vaccination and microchipping of the animal.

~~(b) In the case of a dangerous or vicious animal, which the owner has failed on more than one occasion to control properly, and which has been impounded, redemption may be made only with the consent of the environmental enforcement director or designee. The owner of an impounded animal must apply for the redemption of the animal.~~

~~(be)~~ The fees for redemption ~~shall include the current cost of the boarding fee plus:~~ will be included established in the County fee schedule as adopted by County Council.

~~(1) First offense \$85.00~~

~~(2) Second offense \$90.00~~

~~(3) Third offense \$100.00~~

~~(4) Fourth offense \$150.00~~

~~(5) Fifth and subsequent offenses \$250.00~~

~~(cd)~~ If the animal is terminally ill, critically injured or a threat to the shelter staff and/or other animals being housed at the shelter, such animal may be euthanized immediately, not withstanding the five working day holding period as specified by state law.

(Ord. No. O-12-01, 1-23-12; Ord. No. O-19-26 , § 4, 8-19-19)

Sec. 6-16. Adoption of impounded pets.

(a) Any pet impounded under the provisions of this chapter will, at the end of the ~~detention~~holding period, have its ownership transferred to an impoundment facility or approved foster home contracted with the county or be adopted by a person deemed to be a responsible owner, who will agree to comply with the provisions of this chapter. All required fees must be paid at the time of adoption.

(b) No un-neutered pet, which has been impounded by reason of its being a stray or abandoned, shall be allowed to be adopted from the ~~animal shelter~~Pet Resource Center unless this requirement is waived by the ~~animal shelter~~Pet Resource Center on recommendation of a veterinarian or there is a contract signed agreeing to spay/neuter the pet within a specified period of time.

(Ord. No. O-12-01, 1-23-12; Ord. No. O-19-26 , § 4, 8-19-19)

Sec. 6-17. Dead animals.

It shall be ~~unlawful a misdemeanor, punishable by a fine not to exceed \$500~~ for an owner, caregiver or person possessing an animal to do any of the following:

- (1) To put any dead animal or part of the carcass of any dead animal into any lake, river, creek, pond, road, street, alley, lane, lot, field, meadow or common, unless the carcass or parts of the carcass is/are buried at least four feet underground.
- (2) To allow the carcass of a dead animal to be left unattended and not properly disposed of for more than 48 hours after the animals death.

(Ord. No. O-12-01, 1-23-12; Ord. No. O-19-26 , § 4, 8-19-19)

Sec. 6-18. ~~Animals~~ Pets running at large ~~and creating nuisances~~.

- (a) All pets must be kept under restraint as defined by this chapter. Any pet not so restrained will be deemed running/roaming at large in the unincorporated area of the county with the exception of community cats.
- (b) The owner or keeper of an un-neutered pet allowed to run at large is guilty of a misdemeanor and, upon conviction for a first offense, shall be subject to a fine not exceeding \$50.00 plus court costs. Upon conviction for a second offense, the owner of keeper shall be subject to a fine not exceeding \$100.00 plus court costs. Upon conviction for a third or subsequent offense, the owner or keeper shall be subject to a fine not exceeding \$200.00 plus court costs or imprisonment for a term not exceeding 30 days, or both such fine and imprisonment.
 - (i) Any owner or keeper of an un-neutered pet charged under this subsection who has their pet neutered prior to the time of the originally set trial date or within 30 days thereafter shall be treated as the owner or keeper of a neutered pet under subsection (c) below. The burden of proving a pet has been neutered shall be on the owner or keeper of the pet.
 - (ii) Upon conviction, the trial judge may allow additional time to the owner or keeper to have their pet neutered and if done, subsection (c) below shall apply as to any fines. Accordingly, the trial judge may grant additional time to pay the appropriate fine under this subsection.
- (c) The owner or keeper of a neutered pet allowed to run at large is guilty of a misdemeanor and, upon conviction for a first offense, shall be subject to a fine not exceeding \$25.00 plus court costs. Upon conviction for a second offense, the owner of keeper shall be subject to a fine not exceeding \$50.00 plus court costs. Upon conviction for a third or subsequent offense, the owner or keeper shall be s subject to a fine not exceeding \$100.00 plus court costs or imprisonment for a term not exceeding 30 days, or both such fine and imprisonment. The burden of proving a pet is neutered shall be on the owner or keeper of the pet.

- (d) Dogs which are participating in hunting, obedience trials, conformation shows, tracking tests, herding trials, lure courses or agility trials shall not be considered "at large."
- ~~(e) Notwithstanding any provision to the contrary in this chapter, the owner or keeper of any animal which habitually barks, whines or howls, or which habitually chases or runs after persons or vehicles, or which habitually runs at large or trespasses on the property of others, or which destroys, damages, soils, defiles or defecates on property of another person or legal entity, or which habitually causes annoyance to a neighboring resident and interferes with the reasonable use and enjoyment of property shall be deemed a nuisance and shall be deemed to be committing an act in violation of this section and punished as provided in section 6-4 of this chapter.~~
- (ef) For any readily identifiable pet which is found running/roaming at large, animal control officers will make reasonable attempt at the time of impoundment to return such animal to the owner. Upon return, the owner will be issued a written warning. For subsequent violations, the animal will be subject to impoundment and the fines for neutered and un-neutered pets enumerated in subsections (b) and (c) of this section. If reasonable attempts to return an animal to the owner are unsuccessful, the animal shall be impounded.

(f) Community cats are exempt from this section.

(Ord. No. O-12-01, 1-23-12; Ord. No. O-19-26 , § 4, 8-19-19)

Sec. 6-19. Dogs constituting public nuisance.

- (a) No owner or custodian shall fail to exercise proper care and control of his or her dog to prevent it from becoming a public nuisance. Acts deemed nuisances shall include but are not limited to the following:
- (1) Chasing vehicles;
 - (2) Trespassing upon other's property in such a manner as to damage property;
 - (3) Attacking any companion animal, livestock or poultry so as to cause injury or death, unless such companion animal, livestock or poultry is trespassing upon the property on which the dog or dogs are kept;
 - (4) Habitually running at large;
 - (5) Three (3) or more convictions for running at large within two (2) years; or
 - (6) Attacking any human being so as to cause injury or death, subject to the exceptions set forth in section (g).
- (b) The animal control officer, owner or custodian shall confine the dog until such time as the court has made a final decision in the case. If the animal control officer deems confinement necessary then the owner or custodian shall be responsible for the impound fees. However, if the owner or custodian is found not guilty of a violation of this section, the owner or custodian will not be responsible for the impound fees.
- (c) Any person violating subsections (a)(1) or (a)(2) of this section shall be guilty of a misdemeanor punishable by a fine not to exceed \$500, plus court costs. Any person violating subsections (a)(3), (a)(4), (a)(5) or (a)(6) of this section shall be guilty of a

misdemeanor punishable by a fine not to exceed \$500, plus court costs or imprisonment for a term not exceeding 30 days, or both.

- (d) This section shall not apply to any person while engaged in law enforcement or search and rescue activity; in a supervised formal obedience training class or show; during formally sanctioned field trials; while engaged in lawful hunting with a dog or dogs during open season; during bona fide hunting or field trial dog training.
- (e) No owner or custodian shall be found guilty of a dog constituting a public nuisance if, for the purposes of subsection (a)(6), at the time of the attack:
 - (1) The human being who was attacked was committing a crime upon the premises occupied by the dog's owner or custodian;
 - (2) The human being who was attacked was committing a willful trespass upon the premises occupied by the dog's owner or custodian;
 - (3) The human being who was attacked was provoking, tormenting, or physically abusing the dog or can be shown to have repeatedly provoked, tormented, abused or assaulted the dog at other times;
 - (4) The attacking dog was a police dog engaged in the performance of its duties as such at the time of the attack;
 - (5) The attacking dog was responding to pain or injury that was not caused by the human being who was attacked; or
 - (6) The attacking dog was protecting itself, its kennel, its offspring, its owner or custodian, or a family member, who lives at the same residence or its owner's or custodian's property from the human being who was attacked.

Sec. 6-20. Permitting domestic animals to run at large.

It shall be a misdemeanor for the owner or manager of any domestic animal of any description, except fowl, willfully or negligently to permit any such animal to run at large beyond the limits of his own land or the lands leased, occupied or controlled by him. Any owner, manager or person violating the provisions of this section shall be subject to punishment in accordance with Section 6-4.

Sec. 6-21. Allowing animals to urinate or defecate.

It shall be a misdemeanor, punishable by a fine not to exceed \$250 for the owner of any animal to knowingly or willingly allow such animal to urinate or defecate on any public property or on the property of another without the consent of the owner of the property, or his/her agent. Provided, however, it shall not be unlawful to allow urination or defecation by such animal within the curb or gutter area of a public street or roadway, and provided further, that defecation by an animal on public property shall not be unlawful if the owner of the animal removes the animal's excrement immediately and disposes of it in a public trash receptacle or in a public sanitary sewer or on the owner's own property in a lawful manner.

Sec. 6-22. Noise from animals.

- (a) It shall be a misdemeanor for any person to allow within the county barking or other noises to be made by any animal under his ownership or control, so as to be plainly audible within a residential dwelling of one (1) or more members of the community for more than one (1) cumulative hour during any 24-hour period, provided, however this section shall not apply to the following:
 - a. Parcels of land of five (5) acres or more (or one or more contiguous parcels of land with the same ownership, which total at least five (5) acres)
- (b) For the purpose of this section, a person shall be deemed to have “allowed” his animal to bark or create noises which are plainly audible within a residential dwelling after two (2) persons who are not members of the same household, one of whom may be a sheriff’s office deputy, animal control officer or litter officer, or one (1) person if there are no more than two (2) households within seven hundred fifty (750) feet of the property line of the noise source, lodge a complaint alleging a violation of subsection (1).
- (c) Notwithstanding the above provisions of this section, animal noise emanating from any commercial kennel established prior to the development of any residential property upon which such sounds may be audible, shall not be considered noises in violation of this section.
- (d) This section shall be effective to the extent that it is not inconsistent with Title 46, Chapter 45 Nuisance Suits Related to Agricultural Operations, as amended, as it relates to noise from agricultural animals.
- (e) A violation of this section shall constitute a misdemeanor punishable by a fine not to exceed \$500, plus court costs. Each instance shall constitute a separate offence. Third or subsequent violation shall constitute a misdemeanor punishable in accordance with Section 6-4.

Sec. 6-23. Maintenance of premises used for keeping animals.

- (a) Each stable, pen, coop or other place where any animal, poultry or fowl is kept shall be maintained at all times in a safe and sanitary condition so as not to constitute a nuisance. Solid and liquid waste matter shall be removed as frequently as may be necessary to prevent offensive odors and to prevent accumulations constituting a hazard to the health or safety of any person.
- (b) This section shall be effective to the extent that it is not inconsistent with Title 46, Chapter 45 Nuisance Suits Related to Agricultural Operations, as amended.
- (c) A violation of this section shall constitute a misdemeanor punishable in accordance with Section 6-4.

Sec. 6-24. Duties of owner.

- (a) Each owner of companion animals shall provide the following:
 - 1. Adequate feed and adequate water;
 - 2. Adequate shelter;

3. Adequate space in the primary enclosure for the particular type of animal depending upon its age, size and weight;
 4. Veterinary care when needed and to prevent suffering; and
 5. Humane care and treatment.
- (b) The provisions of this section shall also apply to every animal shelter and boarding kennel with respect to the animals contained therein.
- (c) A violation of this section shall be a misdemeanor punishable by a fine not to exceed \$500.

Sec. 6-25. Number of dogs allowed.

It shall be a misdemeanor, punishable by a fine not to exceed \$250, for any person(s) or entity to own, keep or harbor more than twenty (20) dogs, four (4) months of age or older regardless of parcel size and regardless of whether they are kept on one (1) or more tax map parcels. However, this limitation shall not apply to recognized pet rescue organizations as defined in this chapter so long as all dogs have a current Bordetella vaccination. Proof of such vaccination shall be provided to an Animal Control Officer upon request.

Sec. 6-~~19~~26. Protection of responsible pet ownership.

In adopting this chapter, the county council's intention is to provide control of wild pets, dangerous or vicious pets and pets whose owners assume no responsibility for their keeping and care and which destroy or damage property or constitute an active nuisance or danger to residents of the county. It is the intention of the county council that animal control officers and animal shelter personnel be alert to protect responsible pet ownership so that no pet shall be ~~destroyed-ethanized~~ solely by reason of a technical violation of this chapter without other considerations. Animal control officers shall be expected by the county council to exercise prudence and consideration for responsible pet ownership.

(Ord. No. O-12-01, 1-23-12; Ord. No. O-19-26 , § 4, 8-19-19)

Sec. 6-~~20~~27. Authority of farmers.

Any farmer who finds a dog on his property in the act of chasing, charging, attacking, biting, leaping at or destroying any cattle, sheep, horses, mules, goats, hogs or domestic fowl, and which exhibits fierceness or hostility by snarling or the bearing of teeth or the bristling of hair, may kill such dog, even if such dog wears owner identification and rabies tags, if summary destruction is necessary to prevent injury to such farm stock. Any farmer acting pursuant to this section shall be deemed to be acting in furtherance of this chapter and to be vested with the authority to destroy such dogs.

(Ord. No. O-12-01, 1-23-12; Ord. No. O-19-26 , § 4, 8-19-19)

Sec. 6-~~21~~28. Wild or exotic animals.

- (a) *Unlawful act.* It shall be unlawful for any person, firm, or corporation to keep, maintain, possess, or to have under their control within Spartanburg County, any venomous reptile or

any other wild or exotic animal. The prohibition of venomous reptiles and wild and exotic animals is primarily based upon a concern to protect the health, safety and welfare of the citizen of Spartanburg County.

- (b) *Definition.* A wild or exotic animal shall be defined as one which would ordinarily be confined to a zoo, or one which would ordinarily be found in the wilderness of this or any other country or one which is a species of animal not indigenous to the United States or to North America, or to one which otherwise causes a reasonable person to be fearful of significant destruction of property or of bodily harm and the latter includes, but would not be limited to, such animals as monkeys, raccoons, squirrels, ocelots, bobcats, wolves, hybrid wolves, and other such animals or one which causes zoonotic diseases. Such animals ~~are further defined as being also include~~ those mammals or those nonvenomous reptiles weighing over 50 pounds at maturity which are known at law as *Ferae naturae*. Wild or exotic animals specifically do not include animals of a species customarily used in South Carolina as ordinary household pets, animals of a species customarily used in South Carolina as domestic farm animals, fish contained in an aquarium, birds or insects.
- (c) *Exceptions.* The provisions of this section shall not apply to lawfully operated and located ~~pet shops~~, zoological gardens, scientific research laboratories, circuses, fairs, any licensed or accredited educational institutions, veterinarians harboring such animals for purposes of providing professional medical treatment or wildlife rehabilitators with proper permits, provided the animals are maintained in quarters so constructed and maintained as to prevent escape.
- (d) *Compliance with state and federal regulations and safe confinement.* The confinement of animals described under subsections (a) and (b) above, but exempt under subsection (c) above, must meet the regulations promulgated by the South Carolina Department of Natural Resources, the minimum standards under the Animal Welfare Act and all applicable rules promulgated by the United States Department of Agriculture. In addition to meeting the animal minimum standards, all such venomous reptiles and all such wild or exotic animals shall be confined, restrained and controlled in such a manner so the physical safety, or property, of any person lawfully entering the premises shall not be endangered; this shall specifically require fully enclosed quarters for the animal so constructed as to prevent escape.
- (e) *Wild animals on public rights-of-way.* Animals described under subsections (a) or (d) above, but exempt under subsections (c) or (d) above, shall not be allowed on any public street, sidewalk, or other public way, except in a fully enclosed cage or adequate structural restraint. The use of a leash, with or without a muzzle, shall not be considered adequate restraint.
- (f) *Notice requirement of wild/exotic animals owned prior to effective date of ordinance.* The owner of any wild or exotic animal(s) shall have 90 days from the effective date of the ordinance to notify Spartanburg County ~~Environmental Enforcement~~ **Animal Control** of the ownership of such wild or exotic animal and be required to provide the owner's name, type of animal and location of the animal(s).

(g) A violation of this section shall be a misdemeanor punishable in accordance with Section 6-4.

(Ord. No. O-12-01, 1-23-12; Ord. No. O-19-26 , § 4, 8-19-19)

Sec. 6-~~222~~29. Incorporation of state law on dogs and animals.

Notwithstanding any provision of this chapter to the contrary, the animal control officer shall be empowered to enforce the provisions of state law set forth under S.C. Code 1976, tit. 47, chs. 1, 3, 5 and 7. The animal control officer shall also be empowered to enforce the provision of state law set forth under Title 51, Chapter 3, Section 145 Paragraph P [S.C. Code 1976, § 51-3-145(P)] regarding bringing dogs and other animals into county parks and facilities. The above code sections of South Carolina law are incorporated by reference as if fully stated herein. By virtue of the incorporation of state law into this chapter, the animal control officer shall be empowered to issue a uniform summons to the owner or keeper of an animal or to any person violating any provision of state law incorporated into this chapter.

(Ord. No. O-12-01, 1-23-12; Ord. No. O-19-26 , § 4, 8-19-19)

ARTICLE II – DANGEROUS AND VICIOUS ANIMALS

Sec. 6-50. Keeping dangerous or vicious animals.

- (a) No person owning or harboring or having the care or the custody of a dangerous or vicious animal may permit the animal to go unconfined on the premises of the owner or keeper. A dangerous animal is "unconfined" as the term is used in this chapter if the animal is not securely confined indoors or confined in a securely enclosed and locked pen, cage or enclosed area. The pen, cage or enclosed area also must have sides sufficiently high to keep the animal from escaping. If the pen, cage or structure has no bottom secured to the sides, the sides must be imbedded into the ground at a depth of no less than one foot. However, the provisions of this section shall not apply to any dog that is owned by a licensed security company and is on patrol in a confined area.
- (b) Any animal which has been determined to be a dangerous or vicious animal may be impounded and may not be redeemed unless such redemption is authorized by the director of environmental enforcement the Pet Resource Center or such other employee as designated by the County Administrator his designee.

State law reference(s)—S.C. Code Ann. 47-3-720 (1976).

Sec. 6-51. Dangerous animal not permitted beyond premises unless safely restrained.

No person owning or harboring or having the care of a dangerous animal may permit the animal to go beyond his premises unless the animal is safely restrained and the requirements of Section 6-54(e) are met.

State law reference(s)—S.C. Code Ann. 47-3-730 (1976).

Sec. 6-52. Owning or harboring animal for fighting or attacking humans or domestic animals prohibited; selling, breeding, buying or attempting to buy, or intent to do same, prohibited; exceptions.

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

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

State law reference(s)—S.C. Code Ann. 47-3-740 (1976).

Sec. 6-53. Seizure and impoundment of dangerous animal.

(a) If a law enforcement agent, animal control officer, or animal control officer under contract with a county or municipal government to provide animal control services has probable cause to believe that a dangerous animal is being harbored or cared for in violation of Section 6-50, 6-52 or 6-54(E), the agent or officer may petition the court having jurisdiction to order the seizure and impoundment of the dangerous animal while the trial is pending.

(b) If a law enforcement agent, animal control officer, or animal control officer under contract with a county or municipal government to provide animal control services has probable cause to believe that a dangerous animal is being harbored or housed in violation of Section 6-51, the agent or officer may seize and impound the dangerous animal while the trial is pending.

(c) If a dangerous animal is seized in accordance with Subsection (b) above, the officer shall file a petition with the court having jurisdiction seeking an order declaring the animal is dangerous or vicious. An owner of an animal declared dangerous or vicious shall comply the provisions of Section 6-54(c) through (e) as ordered by the court.

State law reference(s)—S.C. Code Ann. 47-3-750 (1976).

Sec. 6-54. Penalties; payment of expenses; registration of dangerous animals.

(a) A person who violates Section 6-50 or 6-51 or subsection (E) of this section or who is the owner of a dangerous animal which attacks and injures a domestic animal is guilty of a misdemeanor and, upon conviction, for a first offense, must be fined not more than two hundred dollars or imprisoned not more than thirty days and, upon conviction of a subsequent offense, must be fined ~~one thousand~~ **five hundred** dollars none of which may be suspended or remitted.

(b) A person who is the owner of a dangerous animal which attacks and injures a human being in violation of this chapter or a person who violates Section 6-52 is guilty of a misdemeanor and, upon conviction, must be punished in accordance with Section 6-4;

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

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

(e) A person owning a dangerous animal shall register the animal with Animal Control for the county in which the owner resides. The registration application must be accompanied by proof of liability insurance of at least two hundred and fifty thousand dollars insuring the owner for personal injuries inflicted by the dangerous animal. In addition, the following requirements must be met:

1. The owner registering the dangerous animal must prominently display warning sign providing to kennel
2. The owner a metal license tag and a certificate. The metal license tag at all times must be attached to a collar or harness worn by the dangerous animal for which the certificate and tag have been issued.
3. Provisions of the County's Dangerous Dog Policy as established by Animal Control and approved by the County Administrator.

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

State law reference(s)—S.C. Code Ann. 47-3-760 (1976).

Sec. 6-55. When person is lawfully on premises; authority to use force to repel attack by dangerous animal when lawfully on premises; no liability for action taken to repel or restrain unprovoked attack of dangerous animal.

(a) A person lawfully is upon the premises of the owner within the meaning of this article when he is on the premises in the performance of a duty imposed upon him by the laws of this State, by the laws or postal regulations of the United States, when he is on the premises upon invitation, expressed or implied, of the owner, or when he is in the performance of a duty relative to public safety, which includes policemen, firemen, or other authorized personnel including but not limited to building inspectors and county assessors. A person may ingress to and egress from the premises for a purpose connected with the performance of the public safety duty.

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

State law reference(s)—S.C. Code Ann. 47-3-770 (1976).

ARTICLE III – BREEDERS

Sec. 6-90. Dog Breeders License Required.:

All persons engaged in breeding as a business, occupation, or profession shall obtain a county dog breeder license from Spartanburg County Animal Control. It shall be unlawful for a dog breeder to fail to obtain a county dog breeder license.

For the purposes of this Section, "engaged in breeding as a business, occupation, or profession" means having at least one (1) unaltered female dog on a premises and producing at least one (1) litter of puppies to sell within a twelve (12) month period.

Sec. 6-91. Requirements to Obtain Dog Breeders License.

1. Applicants must provide proof that all dogs at least four (4) months of age and older on the breeder's premises have received a rabies vaccination.

2.. Animal Control, through its Animal Control Officers, shall conduct an annual inspection of breeder's property prior to issuing a the annual license.

3. During an inspection, an Animal Control Officer will be looking for the following:

_____ a. Adequate care

_____ b. Adequate exercise

_____ c. Adequate feed

_____ d. Adequate shelter

_____ e. Adequate space

_____ f. Adequate water

_____ g. Maintenance of the premises as required by Section 6-23

h. The premises must be set up in such a manner as to prevent the public and stray animals from obtaining entrance into or gaining contact with any breeding pairs, unaltered females, and litters intended for sale.

4. A license will not be issued to an applicant that has pled no contest, or has been found to have violated any federal, state, or local laws or regulations pertaining to animal cruelty.— or to any other applicants that reside at the same address.

5. A License application should be submitted prior to any litter being delivered. Failure to timely register under this ordinance may result in additional penalties.

6. A dog breeder license shall expire one year after the date of issue; and-is not transferrable to another person or location.

7. The inspection fee for a county dog breeder license will be established in the County fee schedule as adopted by County Council. If not in compliance, a Reinspection fee will be charged as established in the County fee schedule as adopted by County Council.

8. Any violations found under the provisions of this Chapter shall be grounds for the suspension of the dog breeder license if deemed necessary by the Animal Control. In lieu of suspension of the license, the Animal Control Officer may provide thirty (30) days to remedy the violations.

9. The dog breeder license of any licensee whose license has been suspended shall remain inactive and all breeding shall cease until a new license is issued.

ARTICLE V – SELLING PETS

Sec. 6-100. Selling Pets.

No person may sell, offer for sale, trade, barter, auction, lease, rent, or display for any commercial purpose, any dog or cat on any roadside, public right-of-way, public property, commercial or institutional parking lot, sidewalk, or at any, fair, or carnival. A violation of this provision is a misdemeanor punishable by a fine not to exceed \$500.

SECTION 2: The provisions of this ordinance are hereby declared to be separable and if any section, phrase or provisions shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions hereunder.

SECTION 3: This Ordinance shall take effect upon third reading approval.

ADOPTED this ____ day of _____, 2025.

SPARTANBURG COUNTY COUNCIL

BY: _____
A. MANNING LYNCH
Chairman

ATTEST:

B. Cole Alverson
Spartanburg County Administrator

First Reading:
Second Reading:
Public Hearing:
Third Reading: