

ORDINANCE NO. 2016-058

AN ORDINANCE TO AMEND CHAPTER 42, ARTICLE III, DIVISION 4, SECTIONS 42-116 THROUGH 42-121 RELATED TO ANIMALS, AND OTHER MATTERS RELATED THERETO.

WHEREAS, the Anderson County Code of Ordinances contains a Division entitled Animals within Chapter 42, Article HI of the Code;

WHREAS, the Anderson County Council desires to make certain revisions to the Division of the Code of Ordinances related to the regulations of Animals within the County.

NOW, THEREFORE, be it ordained by Anderson County Council, in meeting duly assembled, that:

1. Sections 42-116, 42-118, 42-119, 42-120, 42-121 are hereby amended as shown on Exhibit A attached hereto and made a part of this Ordinance.

2. Attached hereto as Exhibit B and made a part of this Ordinance is Division 4 of Chapter 42, Title III of the Code of Ordinances, Anderson County, South Carolina, as this Division will read upon passage of this Ordinance.

3. The remaining terms and provisions of the Code of Ordinances, Anderson County, South Carolina not amended or affected hereby remains in full force and effect.


4. Should any part or provision of this Ordinance be deemed unconstitutional or unenforceable by any court of competent jurisdiction, such determination shall not affect the rest and remainder of this Ordinance, all of which is hereby deemed separable.

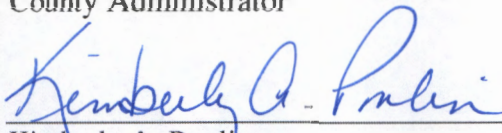
5. All Ordinances, Orders, Resolutions, and actions of Anderson County Council inconsistent herewith are, to the extent of such inconsistency only, hereby repealed, revoked, and rescinded.

This Ordinance shall take effect and be in full force upon the Third Reading and enactment  
by Anderson County Council.

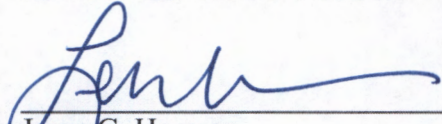
ORDAINED in meeting duly assembled this 3<sup>rd</sup> day of January, 2017.

ATTEST:


  
Rusty Burns  
County Administrator

  
Kimberly A. Poulin  
Clerk to Council

APPROVED AS TO FORM:

  
Leon C. Harmon  
County Attorney

FOR ANDERSON COUNTY

  
Tommy Dunn, Chairman  
County Council

First Reading: December 6, 2016  
Second Reading: Dec 20, 2016  
Third Reading: January 3, 2017  
Public Hearing: December 20, 2016

## 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. Returning community cats to their original location, as defined below, does not constitute abandonment.

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 Office, 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.

Community cat means any free roaming cat that may be cared for by one or more residents in the immediate area who is/are known or unknown; a community cat may be friendly or feral. Qualified community cats may be distinguished from other cats by being sterilized and ear tipped and are not subject to licensing, at large, or shelter stray hold provisions. A community cat may also be defined as a cat 'found' outside that is brought to a shelter but not yet sterilized, ear tipped and vaccinated against rabies.

Community cat caregiver means a person who provides care, including food, shelter or medical care to a community cat who may not be considered the owner, custodian harbinger, controller or keeper of a community cat or to have 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, discard food containers daily and fee only on their property or with the permission of another landowner (city, state or federal public property).

Community Cat Diversion program means that all eligible cats/kittens large enough for spay/neuter that are brought to a shelter, are sterilized/ear tipped/rabies vaccinated and returned to their original location or alternative live outcome without being subject to a shelter stray hold.

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 officer as a potentially dangerous animal and after the owner has been notified of such classification.
- (3) An animal is not a "dangerous animal" solely by virtue of breed or species.

Ear tipping means the removal of the { } 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.

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 horses, mules, asses, cattle, 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 transporting any animal or pet in a dangerous or unsafe 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 and bred by humans so as to live in a tame condition for the benefit of humans.

Potentially dangerous animal or pet means any animal or pet 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, with the exception of a community cat. 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, with the exception of a community cat.

Trap/Neuter/Return or TNR is the process by which community cats are humanely trapped, sterilized, ear tipped and vaccinated against rabies then returned to their original location.

(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 Office, 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 office under the Sheriff's Office as well as employees of the County Animal Shelter under the supervision of the County Administrator have full authority and power to implement, administer, and enforce this division. The animal control office and the animal shelter may seek and obtain the assistance of other law enforcement agencies, including but not limited to the County Health Department, 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.

- (a) 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.
- (b) Any animal subject to a quarantine order issued by the South Carolina Department of Health and Environmental Control, regardless of its rabies vaccination status, will be boarded at the owner's expense at an approved location that may be the owner's home or a veterinary hospital. If the animal must be quarantined at the shelter, the County Council shall from time to time establish by resolution the fee to be paid by the owner of the animal during the quarantine period. If the fee remains unpaid for ten (10) days after the quarantine period ends, the animal shelter shall become the owner of the animal.

(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, with the exception of community cats.
- (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 due to scent being transmitted.
- (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 allows 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 or any other enclosure owned by him or on land occupied or controlled by him, or allow a pit or any other enclosure 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 state of South Carolina; 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.* If a permit is obtained for such animal through the United States Department of Agriculture, a copy of the permit shall be provided to the County animal control office. 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. Owner must demonstrate proof of insurance for such animal as required by S.C. Code §47-3-760(E). If the owner of a dangerous animal or potentially dangerous animal, or other person, has such animal on a leash, the owner or other person must be physically capable of restraining such animal. 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 not 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, potable water, and shelter (as explained in Section 42-116 within the definition of Maltreatment).
- (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) Dogs under six months of age or that are sick or in distress are not to be tethered.
- (8) If more than one dog is tethered in the same area they must be separated to prevent entanglement.
- (9) Dogs are not to be tethered to abandoned buildings or other objects not on the owner's property.
- (10) If an underground or wireless fence is used to restrain a dog(s), the fence and appurtenances must be properly maintained so as to keep the dog(s) within the enclosed area and the fence must be capable of restraining the animal confined.

(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 Sheriff's Office, with the assistance of such others as from time to time to assist the Sheriff Office, who have authority to enforce this division both in their own right and as designees of the Sheriff's Office, including but not limited to the county health department, 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 is under administrative control of the County Administrator, 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 animal control services under the Sheriff's Office or their designees or law enforcement officers assisting such employees 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 Sheriff's Office 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 issue a written warning or courtesy summons at the officer's discretion and provide instructions as to the provisions for confinement or restraint for such animal or pet.
- (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. Community cats being returned to their original location shall be considered 'return to home' and not subject to a stray holding period. Puppies/kittens under 5 months old are not subject to a stray holding period when there is a live outcome opportunity. After a stray hold period, dogs 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 attempt to find a suitable placement for the pet and if not possible, 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 euthanize, or cause to be euthanized, 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 euthanized 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 of the Anderson County Code.
- (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), with the exception of community cats, may be issued a citation by the animal control officer or designee for the maximum allowable civil penalty under Section 1 - 7 of the Anderson County Code. 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, the officer shall issue a separate citation for failure to pay fees.

(Ord. No. 374, § VI, 4-20-93)

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 five 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) 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 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.- Euthanasia

- (a) Euthanasia of a domestic canine by the owner must be accomplished by a licensed euthanasia technician or veterinarian. If the animal is unwanted, it must be taken to a certified shelter or recognized rescue shelter.
- (b) Shooting of a canine with a firearm for the purpose of euthanasia is prohibited unless the animal has been severely injured and it is the only humane way to prevent undue suffering. This paragraph does not apply in situations where an individual is threatened by a rabid animal or any other animal or where the animal is destroying livestock, poultry, or other personal property.



- (c) Failure to comply with this section governing euthanasia will be considered a misdemeanor subject to the maximum penalty for misdemeanors.

### 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 horses, mules, asses, cattle, swine, 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 Office shall:

- (1) Inspect the premises of a breeder or breeding organization up to twice a year 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)

Sees. 42-130-42-140.-Reserved.