

Aiken County Code of Ordinances

Chapter 4 – ANIMALS

ARTICLE I – GENERAL

Sections 4-1. – 4.09. Reserved.

Section 4-10. Authority.

This article is enacted as authorized by laws of the State of South Carolina including South Carolina Code Sections 4-9-25, 4-9-30(14) and (17), 47-3-20, and 47-3-70, as amended.

Section 4-11. Definitions.

For the purpose of this Chapter, the following terms shall have the meanings as indicated. Words used in the present tense shall include the future, words in the plural number shall include the singular number, words in the singular number shall include the plural number, and the use of any gender shall be applicable to all genders whenever the sense requires. The words "shall," "will," and "must" are mandatory, and the word "may" is permissive.

Animal shall mean a living vertebrate creature except a *homo sapien*.

Animal control officer shall mean the enforcement officers commissioned by the Aiken County Council under the laws of the State of South Carolina whose duties include the enforcement of the provisions of this Chapter.

Animal shelter shall mean any facility which is maintained by or contracted for by Aiken County for the confinement and maintenance of dogs, cats, and other animals that come into its custody in the performance of its official duties and approved by the Aiken County Council for that purpose.

Code Enforcement shall mean the Aiken County Department of Code Enforcement.

Council shall mean the County Council of Aiken County, South Carolina.

County shall mean Aiken County, South Carolina.

County Veterinarian shall mean a doctor of veterinary medicine licensed in South Carolina employed or contracted by the Aiken County Council.

Bodily Injury shall mean broken bones, lacerations, punctures of the skin, any physical injury or death.

Director shall mean the Director of the Aiken County Code Enforcement Department or the Director's designee.

Domestic shall mean any animal which shares the genetic makeup and/or physical appearance of its ancestors which have been historically bred and used for human companionship and service.

Euthanasia shall mean putting an animal to death in a humane and painless manner by approved lethal injection.

Health department shall mean the Aiken County office of South Carolina Department of Health and Environmental Control.

Magistrate shall mean an Aiken County Magistrate or Summary Court Judge.

Microchipped shall mean to have implanted under the skin a microchip, or similar device, which provides evidence of ownership. A microchip is electronic equipment consisting of a small, integrated circuit allowing the identification of the animal's owner.

Owner shall mean any person who:

- (1) has a right of property in an animal;
- (2) keeps or harbors an animal or who has it in his care or acts as its custodian; or
- (3) permits an animal to remain on or about any premises occupied by him.

Pet shall mean any animal which may be legally owned by a private citizen without special permit or permission.

Shelter shall mean a structure made of durable material with four walls, a roof, and floor that allows retention of body heat and is of suitable size to accommodate the animal and will reasonably be expected to protect the animal from physical suffering or impairment of health due to exposure to the elements or adverse weather.

State shall mean the State of South Carolina

Sterilized shall mean spayed or neutered to prevent reproduction or offspring.

Tattoo shall mean any permanent identification of any domestic animal by means of permanent ink.

Wild animal shall mean any animal which shares the genetic makeup and/or physical appearance of its ancestors which have not been historically bred and used for human companionship and service. Such animals shall include any nonhuman primate, raccoon, skunk, fox, ferret, poisonous or nonpoisonous snakes, leopard, tiger, lynx, wolf, or other animals which are normally found in the wild. Such animals shall also include wild/domestic hybrids.

Sections 4-12. – 4-19. Reserved.

ARTICLE II – ANIMAL CONTROL ADMINISTRATION AND ENFORCEMENT

Section 4-20. Enforcement.

(a) In general

- (1) An animal control officer shall have the authority to impound animals whose owners are in violation of the sections in Articles II and III of this Chapter. All animals are considered impounded at the time of seizure or capture, except for dangerous animals as provided in Section 4-32(e).
 - (2) An animal control officer shall have the right to enter upon any public or private property in the County, except a building designated and used for residential purposes, for the purpose of the enforcement of this Article II. If any owner refuses entrance to such public or private property to an animal control officer attempting to enforce this Article II, such officer shall contact the proper court for the proper warrant, order or other document of authority, the county sheriff's department or the local municipal police department and proceed on the owner's premises with such legal warrant, order or other document of authority as is necessary to lawfully enter the premises for the purpose of enforcing this article.
- (b) In addition to, or in lieu of impounding a dog or cat, or other animal found in violation of this Article II, any animal control officer or Aiken County Sheriff Deputy may issue to the known owner of such dog, cat or other animal a citation and/or notice to appear before a Magistrate.
- (c) It shall be unlawful for any person to interfere with, oppose, resist, hinder or molest any animal control officer in the performance of the officer's duties or to seek to release any animal in in the officer's possession without the officer's consent.

- (d) It shall be the duty of the Director to keep accurate and detailed records of impoundments, seizures and dispositions of all animals coming into the County's custody and to file a report on such matters with the County Administrator or his designee each month.
- (e) Dangerous animal custody and impoundment.
 - (1) If, in the course of investigating potential violations of this Chapter 4, an animal control officer encounters an animal which the officer has probable cause to believe is a dangerous animal as defined by Section 4-32 and is not properly confined as required by Section 4-32, the animal control officer may immediately take temporary custody of the animal to protect the health, safety, and general welfare of the public.
 - (2) Within twenty-four (24) hours of taking temporary custody of an animal under the provisions of Section 4-32(e)(1), or within twenty-four (24) hours of the Magistrate with jurisdiction over the matter being available, the animal control officer shall appear before the Magistrate and present evidence supporting the need for the animal to remain in the custody of Code Enforcement until disposition of all pending cases. The Magistrate shall determine if there is probable cause to impound the animal because it is being harbored or cared for in violation Sections 4-32 of this Chapter 4 or South Carolina Code Sections 47-3-720, 47-3-730, 47-3-740, or 47-3-760(E).
 - (3) When taking temporary custody of an animal under the provisions of Section 4-20(e)(1), the animal control officer shall take reasonable actions to inform the owner of the animal by verbal or written communications of the reasons for the temporary custody and the date and time of the hearing before the Magistrate.
 - (4) If the Magistrate finds that the temporarily impounded animal should be released, all relevant impoundment and/or boarding fees shall be waived by the County.

Section 4-21. Impoundment, Redemption, and Adoption.

(a) Impoundment.

- (1) All animals which have been impounded or surrendered to the shelter and are deemed, by virtue of their behavior, to be wild or feral (reverted to a wild state) by the county veterinarian, or two (2) County Animal Control staff members, and have no identifiable indicators of ownership may be disposed of by euthanasia so as to prevent potential injury or the spread of disease and/or rabies to humans or domesticated animals.
- (2) All animals which have been impounded, or brought to the shelter, and are not suffering from, or suspected to have, an infectious or contagious disease, or which have not been injured to such an extent that it would cause unjustifiable pain or suffering, and are picked up with no identification, shall be taken to the county shelter or another designated facility and held for a minimum of five (5) calendar days, excluding from the computation of the five-day period the initial day of impoundment.
- (3) All animals which have been impounded and are not suffering from or suspected to have an infectious or contagious disease or which have not been injured to such an extent that it would cause unjustifiable pain or suffering and are picked up wearing identification tags and/or bearing a tattoo or whose owner is otherwise positively determined, shall be taken to the county shelter or other designated facility and held for a minimum of fourteen (14) calendar days, excluding from the computation of the fourteen-day period the initial day of impoundment.
- (4) The animal control office shall attempt to contact the owner of any impounded animal wearing a current identification tag and/or bearing a tattoo before undertaking the humane disposition of the animal. If the animal control office cannot contact the owner within twenty-four (24) hours of its impoundment, a notification letter shall be sent to the last known address of the owner. Such notice shall be sent certified, return receipt requested. Impounded dogs, cats, or other animals

not claimed shall be placed for adoption through an approved agency or shall be disposed of by euthanasia.

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

(b) Redemption.

- (1) Animals shall be released to the owners upon presentation of proof of ownership, licensing, and inoculation, and payment of costs. Inoculations and costs will include the following:
 - a) Dogs and cats must be vaccinated against rabies and shall show proof of current vaccination prior to redemption. The cost of such vaccination shall be borne by the owner of the animal.
 - b) Impoundment fee for first impoundment as established by the Council.
 - c) Impoundment fee for second and subsequent impoundments as established by the Council.
 - d) The owner shall pay a per diem board fee in an amount established by the Council in addition to any other charges and/or fines.
 - e) If the animal which has not been sterilized is impounded for a violation of the running at large provision in Section 4-30, an additional fee in an amount established by Council will be assessed against the owner. This fee shall be waived or refunded if the owner has the animal sterilized and provides satisfactory proof thereof to Code Enforcement or the animal shelter within fourteen (14) calendar days of the owner's redemption of the animal.
- (2) Applicable costs must be paid at the place and within the time specified by the Director.

(c) Adoption.

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

Section 4-22. Registration.

- (a) Any owner of an animal convicted in a court of competent jurisdiction of violating Section 4-31 or Section 4-32 of this Chapter shall be required to register the animal with the Director.
- (1) Initial registration shall be completed within seven (7) calendar days following judgement or decision by the court.
 - (2) Registration shall be renewed annually. Annual registration may be submitted no more than thirty (30) calendar days prior to and no more than fifteen (15) calendar days following the anniversary of the initial registration.
 - (3) The owner shall maintain an annual registration for as long as they are a resident of the County.
 - (4) Registration shall include the name of the owner, the address of the owner's primary residence, identification of the nuisance or dangerous animals involved in the violation that required registration, and identification of any other domestic animals housed at the owner's residence.
 - (5) An owner may petition the Director for a waiver from the required annual registration. The waiver may be requested no earlier than five (5) years following the initial registration. The Director shall permit the waiver if:
 - a) The owner no longer owns the animal involved in the violation that required registration.
 - b) The owner, or others residing on the owner's property or in the owner's residence, have not been investigated by the Code Enforcement for possible violations of this chapter for a period of not less than five (5) years.
 - (6) A fee, as determined by the Council, shall be paid to the County for each initial and subsequent annual registration.
 - (7) If any of the registration information required by Section 4-23(a)(4) changes prior to the expiration of the annual registration period, the owner shall submit a revised registration to the Director. Change in status registrations shall be filed no later than thirty (30) days after the change is effective.
- (b) The registered owner's primary residence shall be inspected by the Director once during each annual registration period in order to confirm the accuracy of the information submitted for registration and to confirm that any animals included in the registration are properly confined. Additional inspections of the registered property, as warranted by the Director, may be conducted to ensure compliance with this section.
- (c) In addition to the registration required by this Section, any owner of an animal convicted in a court of competent jurisdiction of violating Section 4-32 on dangerous animals shall:
- (1) Pay a fee, in an amount determined by the Council, in addition to the ordinary registration fee established by this Section.
 - (2) Obtain from the Director a metal license tag, special collar and leash which identifies the animal as "dangerous". The issued metal license tag shall at all times be attached to the issued collar. The tag and collar shall be worn by the registered dangerous animal at all times.
 - (3) At the time of initial and subsequent annual registration, the owner of the dangerous animal must provide a certificate of insurance indicating liability insurance coverage of at least fifty thousand dollars (\$50,000.00) insuring the owner for personal injuries that may be inflicted by the registered dangerous animal.
 - (4) Confine the animal on their premises. Appropriate confinement on the owner's premises shall be indoors, a securely enclosed fence, or a securely enclosed and locked pen or run.

Regardless of the method of confinement used, the structure, fenced enclosure, or pen shall be designed to prevent entry of the general public, including children, and to prevent the escape of the dangerous animal and shall be clearly marked as containing a dangerous animal.

- (d) Failure to register as required by this section shall be considered a violation and subject to penalties, upon conviction, as specified in Section 4-34.

Section 4-23. Rabies Control.

(a) Inoculation; certificate; tags.

- (1) No person shall own, keep, or harbor any pet within the County for longer than sixty (60) days unless such pet has been inoculated against rabies as provided in this section.
- (2) Every owner of a pet will have his pet inoculated against rabies each year.
- (3) A state board of health certificate of pet rabies vaccination will be issued by a licensed graduate veterinarian for each pet stating the name and address of the owner, the name, breed, color and markings, age, sex of the animal, and the veterinary or pharmaceutical control number of the vaccination.
- (4) Coincident with the issuance of the certificate, the licensed graduate veterinarian shall also furnish a serially numbered metal license tag bearing the same number and year as the certificate. The metal license tag shall bear the name of the veterinarian who administered the vaccination and shall at all times be attached to a collar or harness worn by the pet for which the certificate and tag has been issued.
- (5) The owner shall have a valid certificate of rabies immunization readily available for inspection by competent authority at all times.
- (6) In the event that a rabies tag is lost, the owner will obtain a duplicate tag without delay.
- (7) If there is a change in ownership of a pet during the valid period of immunization, the new owner may have the current certificate of immunization transferred to his name.
- (8) A certificate of rabies immunization issued by a licensed veterinarian from another state will be accepted as valid evidence provided it is less than a year old.

(b) Animals Known to Be Infected or Suspected of Infection

- (1) Whenever a pet or other animal is affected by rabies, suspected of being affected by rabies, or has been bitten by an animal known or suspected to be affected by rabies, the owner of the animal or any person having knowledge thereof shall forthwith notify the animal control officer and the health department stating precisely where the animal may be found.
- (2) The health department shall serve notice in writing upon the owner of a pet or other animal known to have been bitten by an animal known or suspected of being affected by rabies requiring the owner to confine such animal for a period of not less than six (6) months; except that, animals properly treated with anti-rabies vaccine shall be confined for a period of not less than three (3) months.

(c) Confinement and monitoring of animal which has bitten a person.

- (1) The animal control officer, in conjunction with the health department, shall arrange for the supervised confinement of any pet or other animal which has bitten a person. Such confinement may be on the premises of the owner if the owner will sign an agreement assuming total responsibility for the safe confinement of the pet or other animal. Confinement may be at the county animal shelter, a private animal shelter, veterinary hospital, or humane society shelter at the owner's option and expense.
- (2) Any pet or other animal which has bitten a person must be confined for a period of at least ten (10) days. The health department or the animal control officer will be permitted by the owner of such

pet or animal to examine the animal at any time and daily if desired within the ten (10) day period of confinement to determine whether such animal shows symptoms of rabies. No person shall obstruct or interfere with the animal control officer or the health department in making such examination.

(d) Killing or removing from jurisdiction suspected rabid animals prohibited; exception.

(1) No person shall kill, or cause to be killed any rabid pet or other animal, or one suspected of having been exposed to rabies or which has bitten a person, nor remove such pet or animal from the jurisdiction of the County without written permission of the health department.

(2) An exception to the preceding requirement is in the event of the possibility of the animal's escape or additional biting in which case the animal is to be killed and the health department notified immediately.

Section 4-24. Identification.

(a) Every dog and cat which is owned by a person residing in the unincorporated areas of the County and all municipal incorporated areas of the county where there is no existing conflict with the law of the municipality shall be required to wear identification so that the owner of the animal may be positively identified. Such identification may take the following forms:

(1) A valid and lawfully issued rabies tag, as required by state law, is to be affixed to the collar or harness of the animal;

(2) A name plate attached to the collar or harness of the animal which can positively identify the owner of the animal; or

(3) A tattoo on the animal which can positively identify the animal to the owner.

(b) While in the confines of the walls of a building or a completely and securely fenced-in yard area on the owner's premises, a dog or cat is not required to wear a harness or collar with its rabies tag attached, but the owner shall have the rabies tag and certificate available and shall produce them upon request of any animal control officer, rabies control officer, or public safety officer.

(c) A hunting or stock dog and show dog, while being worked, conditioned, groomed and/or shown under the direct control of its owner or agent, is not required to wear its rabies tag, but the owner or agent shall have the rabies tag and certificates available and shall produce them upon request of any animal control officer, rabies control officer, sheriff's deputy or law enforcement officer.

(d) A show cat, while being groomed and/or shown under the direct control of its owner or agent is not required to wear its rabies tag, but the owner or agent shall have the rabies tag and certificate available and shall produce them upon request of any animal control officer, rabies control officer, or public safety officer.

(e) The animal shelter is authorized to establish a program to insert microchips in citizen-owned dogs and cats for a fee to be established by council ordinance.

Section 4-25. Duty to report injury to animal.

It shall be the duty of any person who injures an animal, by any means, to promptly notify the owner of the animal if known, an animal control office or the appropriate law enforcement agency, who shall then take necessary action to make proper disposition of the animal. Any animal received by the county shelter or designated facility in critical condition from wounds, injuries or disease may be euthanized if the owner cannot be located within two (2) hours. If the animal is in severe pain, it may be euthanized immediately.

Section 4-26. Wild animals.

- (a) No person shall keep or permit to be kept on his premises any wild or vicious animal for display or exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to zoological parks, performing animal exhibitions, or circuses.
- (b) No person shall keep or permit to be kept any wild animal as a pet except as allowed under federal and state law.

Section 4-27. Performing animal exhibitions.

- (a) No performing animal exhibition or circuses shall be permitted in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical or manual devices in a manner which will cause, or is likely to cause physical injury or suffering.
- (b) All equipment on a performing animal shall fit properly and shall be in good working condition.
- (c) Animal acts and animals for entertainment to include any circus, zoo, or carnivals will, one (1) week prior to entering the County, register with county animal control. At the time of registration, they will present health records and an inventory of animals. Animal control officers will inspect facilities at that time, and at any time during the course of stay, to insure humane care and treatment and to insure public safety by means of proper enclosures. Animal control officers can close down the facility if the means and condition requirements are unsatisfactory. A fee of one hundred dollars (\$100.00) payable to County animal control will be charged for registering the circus, zoo, carnival or animal act. The fee shall be waived for circus, zoos or carnivals held in the County under the sponsorship of a local county nonprofit organization registered with the South Carolina Secretary of State.

Sections 4-28-4-29. Reserved.

ARTICLE III – VARIOUS OFFENSES AND PENALTIES; STATE LAW

Section 4-30. Animals running at large.

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

Section 4-31. Animals creating a public nuisance.

A person who is the owner or custodian of an animal shall not permit that animal to unreasonably annoy humans, endanger the life or health of other animals or persons, or substantially interfere with the rights of persons, other than their owners, to the enjoyment of life or property. A nuisance animal shall mean and include, but not be limited to, any animal that:

- (a) Is found at large more than one time;
- (b) Damages the property of anyone other than its owner;
- (c) Molests, threatens or intimidates pedestrians or passersby near the location where the animal is kept or any person when the animal is away from the location where its owner resides ;

- (d) Chases vehicles;
- (e) Excessively makes disturbing noises, including, but not limited to, continued barking, howling, whining or other utterances causing reasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
- (f) Attacks or threatens other domestic animals; or
- (g) Causes unsanitary or offensive conditions in enclosures or surroundings where the animal is kept or harbored.

Section 4-32. Dangerous animals.

- (a) For the purposes of this Chapter 4, a dangerous animal shall be defined to be any one of the following:
 - (1) An animal which the owner knows, or reasonably should know, has a propensity, tendency, or disposition to attack unprovoked, cause injury, or to otherwise endanger the safety of human beings or domestic animals;
 - (2) An animal which makes an unprovoked attack that causes bodily injury to a human being and the attack occurs in a place other than the place where the animal is confined;
 - (3) An animal which commits unprovoked acts in a place other than the place where the animal is confined and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to a human being;
 - (4) An animal which is owned or harbored primarily or in part for the purpose of fighting or which is trained for fighting; or
 - (5) An animal which is used as a weapon in the commission of a crime.
- (b) Notwithstanding subsection (a) above, a court of competent jurisdiction may, after considering the totality of the circumstances, deem an animal a dangerous animal, regardless of location of an attack or provocation, when an attack results in serious injury to a human.
- (c) The owner of an animal, which the owner knows, or reasonably should know, is a dangerous animal as defined in Section 4-32(a) shall confine the animal on the owner's premises. Appropriate confinement on the owner's premises shall be indoors, a securely enclosed fence, or a securely enclosed and locked pen or run. Regardless of the method of confinement used, the structure, fenced enclosure, or pen shall be designed to prevent entry of the general public, including children, and to prevent the escape of the dangerous animal and shall be clearly marked as containing a dangerous animal.
- (d) The owner of an animal, which the owner knows, or reasonably should know, is a dangerous animal as defined in Section 4-32(a) shall not permit the animal to go beyond the owner's premises unless safely restrained.
- (e) Animals deemed a dangerous animal by a court of competent jurisdiction shall be required to follow the registration, identification and confinement standards established by South Carolina Code Section 47-3-760 (E), as amended, this section and Section 4-22(c).

Section 4-33. Animal abuse, neglect, and abandonment and tethering of dogs.

- (a) It shall be unlawful for any person to abuse an animal, aid another person in abusing an animal, or causes or permits an animal to abuse another animal, by acting or failing to act, shall be in violation of this chapter. Animal abuse includes, but is not limited to, the following:
 - (1) Failing to provide adequate humane care;
 - (2) Mistreating an animal by beating, cruelly treating, tormenting, overloading, overworking, or otherwise abusing an animal, or causing, instigating, or permitting any dogfight or other combat between animals, or between animals and humans;

- (3) Failing to provide adequate food, shelter, adequate space, bedding and sanitary living conditions, and access to clean potable water at all times.
 - (4) Failing to acquire treatment from a certified veterinarian for a knowingly injured or sick animal.
 - (5) Hoarding or collecting animals:
 - (6) Owning, managing, obtaining, confining or caring for any number of animals in an animal mill;
 - (7) Exposing an animal to any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any animal. The use of common rat or rodent poison on one's own property for the express purpose of rat or rodent control shall not be considered abuse.
- (b) It shall be unlawful for an owner to desert, forsake, or intend to give up absolutely a pet or livestock without securing another owner or without providing for adequate food, water, shelter, and care. A pet or livestock is considered abandoned when it has been left unattended for twenty-four (24) continuous hours.
 - (c) It is unlawful for any person to give away any live animal as a prize for, or inducement to enter, any contest, game or other competition, or as an inducement to enter a place of amusement.
 - (d) Any person operating a motor vehicle who strikes a domestic animal, shall report such injury or death to Code Enforcement or appropriate law enforcement authority. Due to the possibility of injury from aiding an injured animal, this provision shall in no way be construed to require or encourage the physical touching of an injured animal by a non-qualified person who strikes a domestic animal.
 - (e) It shall be unlawful for a motor vehicle owner or operator to place or confine an animal or allow it to be placed or confined or to remain unattended in a motor vehicle without sufficient ventilation or under conditions for such period of time as may be reasonably expected to endanger the health or well-being of such animal due to heat, cold, lack of water or other such circumstances as may reasonably be expected to cause suffering, disability, or death.
 - (f) Tethering dogs.
 - (1) It shall be unlawful for a person to tether, fasten, chain, tie, rope, cable, or restrain a dog, or cause a dog to be tethered, fastened, chained, tied, roped, cabled, or restrained, to a house, tree, fence, or any stationary object except for a brief period of time necessary to complete a temporary task that requires the dog to be restrained which period of time shall not exceed four (4) hours during which the animal shall have free access to adequate water, food and shelter based on weather conditions.
 - (2) Notwithstanding subsection (a) of this section, the if a dog must be restrained other than by fence or other humane enclosure, a person may restrain the dog by complying with the following requirements:
 - a) If a tether system is used, it must be connected to a single stake or similar system with a swivel on top, must have swivel type connections on each end, must be at least fifteen (15) feet in length, and must allow the dog to have as close to three hundred sixty (360) degrees circular movement as practicable.
 - b) If a trolley system is used, it must be at least twenty (20) feet in length between the two (2) trolley stop points, must be at least three (3) feet above the height of the dog, and must allow the dog to move freely along the length of the trolley runner line without being entangled and being able to access adequate shelter.
 - c) The tether or trolley system must allow the dog free access to adequate food, water and shelter based on weather conditions. The dog shall not be connected to either system in extreme weather conditions that may endanger the life or health of the dog.
 - d) The tether or trolley system must be attached to a properly fitting collar or harness, not less than one (1) inch in width and that is one (1) inch greater in diameter than the animal's neck

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

- e) The line or tether connecting the tether or trolley system to the dog's collar or harness must be made of a durable non-chain material that prevents knotting, fraying and shortening of the tether or line.
- f) The tether or trolley system must be connected to only one (1) dog. If more than one (1) dog is connected to a tether or trolley system in the same area, the dogs must be separated by a sufficient distance to prevent entanglement. Dogs shall not be connected to a tether or trolley system at the site of an unoccupied, abandoned or condemned dwelling or building.
- g) Dogs under six (6) months of age or that are sick or in distress shall not be connected to a tether or trolley system.
- h) A female dog in heat must be confined within a building, secure enclosure or otherwise protected from access by other dogs to prevent reproduction.

(3) Nothing in this section shall be constructed to prohibit a person from walking a dog with a hand held leash or similar restraint.

Section 4-34. General penalties.

- (a) Whenever in this Chapter, any act or omission is prohibited or is declared unlawful or an offense, any person violating that provision shall be subject to prosecution in the name of the State of South Carolina or the County, and upon conviction, such person shall be punished by a fine not to exceed the maximum fine or the maximum imprisonment, or both, as allowable under state law in Magistrate's or Summary Court.
- (b) Each day or fraction of a day a violation continues shall be considered as a separate offense.

Section 4-35. Conflicts with state law.

If any sections or provisions in this Chapter conflict with the laws of the state in a manner that is irreconcilable and the laws of the state preempt the sections or provisions of this Chapter as determined by a court of competent jurisdiction, the applicable provisions of the laws of the state, including those prescribing the fines, imprisonment and penalties, shall control. Where there is no such conflict and preemption, the animal control officer or Director may choose whether to apply or enforce the provisions of this Chapter or state law.

Sections 4-37-4.39. Reserved.