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## Proposed Animal Cruelty and Tether Ordinance changes and additions

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### Sec. 4-1. Definitions.

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

**Animals** means all domesticated creatures and pets.

**Animal Tethering** means tying or attaching an animal to a leash, rope, lead, chain, or the like and the other end of the leash, rope, lead, chain or the like to a stationary or heavy object that limits the animal's ability to roam freely.

**Cats** includes all members of the feline family.

**Certificate** means a current and valid written proof of inoculation against rabies by a duly licensed veterinarian.

**Dogs** means all members of the canine family four months of age or more, including foxes and other canines.

**Running at large** means a dog that is off the premises of the owner or keeper and not under the physical control of the owner or keeper by means of a leash or other similar restraining device.

**Under restraint** means a dog that is on the premises of the owner or keeper or if accompanied by its owner or keeper and under the physical control of the owner or keeper by means of a leash or other similar restraining device.

**Vicious dog** means any dog **that has attacked a person or domesticated** animals without provocation.

(Code 1979, § 6-3001)

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

**State Law reference**—Definitions, similar state law, S.C. Code 1976, § 47-3-10.

### Sec. 4-6. Cruelty to animals.

It shall be unlawful for any person to inflict unnecessary cruelty upon any animal; or ride, drive or work such animal when the animal is sick or unfit for work; override, overwork, overload, or ride when overworked; torture, torment, or beat or whip cruelly any animal; and it shall be unlawful for any such person owning or having charge of any animal to fail to provide such animal with proper food, drink, shelter, or protection from the weather.

**Proper shelter is a structure large enough for the animal to stand, turn around in, and lie in a normal manner. The structure must adequately protect the animal from rain, snow, standing water, and from harsh weather; at a minimum, it shall have a roof, four sides and an opening for ingress and egress.**

**An owner or keeper of animals shall, at all times, maintain a clean shelter and living area, free of accumulated waste and debris so that the animal shall be free to walk or lie down without coming in contact with any waste or debris.**

(Code 1979, § 6-3003)

**State Law reference**—Cruelty, S.C. Code 1976, §§ 16-11-510, 47-1-30 et seq.

### Sec. 4-9. Animal Tethering.

- (a) It shall be unlawful for a person to tether an animal outdoors, except when all of the following conditions are met:

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- (1) The animal must be over the age of six months.
- (2) The animal is in visual range of the responsible party and the responsible party is located outside with the animal.
- (3) The animal is not tethered more than four (4) hours in any continuous 12-hour period.
- (4) The tether is connected to the animal with a buckle type collar or a body harness made of nylon, leather or other durable non-metallic material not less than one inch in width and is one inch greater in diameter than the animal's neck or torso. For an animal less than 7 lbs, the collar may be less than one inch but not less than one half inch in width.
- (5) The tether has the following properties:
  - a. A minimum 12-foot length;
  - b. A swivel type termination at both ends;
  - c. Is not made of chain;
  - d. Total weight does not exceed ten percent of the animal's body weight; and
  - e. Is fabricated of a material that prevents tangles.
- (6) The animal is not outside during extreme weather, including, but not limited to, above 90 degrees Fahrenheit or below 36 degrees Fahrenheit, snow, hail, tornadoes, thunderstorms, tropical storms or hurricanes.
- (7) The animal is tethered so as to prevent injury, strangulation or entanglement.
- (8) The animal has access to clean water, food and shelter.
- (9) The animal is not tethered where any object may interfere or impede free movement of the tether.
- (10) The animal is not sick or injured.
- (11) The animal is not tethered in such proximity to any other tethered animal that would allow entanglement.
- (12) The animal is not tethered on any property with an unoccupied dwelling to include, but not be limited to, abandoned or condemned buildings.
- (13) Any pulley, running line or trolley system to which a tether is attached shall be no less than 15 feet in length and no more than seven feet above ground.

### **Sec. 4-10. Enforcement.**

- (a) *Warning Notice.* When the first violation of animal tethering is observed by an officer, the owner or keeper of the animal shall be issued a written warning:
  - (1) By personal delivery of written notice to the owner and/or keeper of the animal, or by leaving written notice at the usual place of abode of the owner or keeper with a person of suitable age and discretion; or
  - (2) By depositing in the United States Mail, the notice addressed to the owner and/or keeper at such person's last known address.
  - (3) This warning shall be non-expiring and will permanently attach to the owner and/or keeper.
- (b) *Second Violation.* A second violation of the animal tethering ordinance shall be a uniform ordinance summons pursuant to section 13-1.2.

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1. Violations – Violations of the animal tethering ordinance shall be a misdemeanor subject to the following penalty schedule upon conviction:

- i) First offense - Warning;
- ii) Second offense - \$200 fine;
- iii) Third offense - \$300 fine; (Suggestion to remove this level)
- iv) Fourth and subsequent offenses - \$500 and/or thirty days in jail.

For purposes of determining and applying the proper penalty, prior offenses can be considered for 6 years from the date of the violation. Mandatory assessments and court costs are to be added to fines.