



NO. O-19-26

AN ORDINANCE

AN ORDINANCE TO AMEND CHAPTER 6 OF THE SPARTANBURG COUNTY CODE OF ORDINANCES ENTITLED "ANIMALS" TO PROVIDE FOR SHELTERING AND HUMANE TETHERING REQUIREMENTS.

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 referred to in S.C. Code 1976, 4-9-30(5); and

WHEREFORE, Chapter 6 of the Spartanburg County Code of Ordinances relative to 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 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; and

WHEREFORE, Spartanburg County Council now finds the need to amend Chapter 6 of the Spartanburg County Code of Ordinances relative to animals in order to address concerns regarding proper sheltering and humane tethering of those animals considered pets in Spartanburg County.

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: Section 6-1 of the Code of the County of Spartanburg is amended to provide that Section 6 will only apply those areas of the County which are unincorporated as follows:

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.

SECTION 2: Section 6-2 of the Code of the County of Spartanburg is amended to provide a new definition of sheltering as follows:

Sec. 6-2. Definitions

Shelter – For purpose of this ordinance, 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 State Statue 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.

SECTION 3: Section 6-12 of the Code of the County of Spartanburg is amended to provide for proper sheltering and other requirements to alleviate ill treatment or cruelty to animals as follows:

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.

(6) 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

Same-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.

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

SECTION 4: Section 6-13 of the Spartanburg County Code of Ordinances shall be re-numbered Section 6-14 and all other Sections thereafter to be re-numbered accordingly to allow for a new Section 6-13 of the Spartanburg County Code of Ordinances to provide for humane tethering of pets as follows:

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 twelve (12) feet in length and allow the canine to have as close to three hundred sixty (360) degrees circular movement as practicable.
3. Tethering to a running line, pulley, or trolley system which is elevated no higher than seven (7) 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.

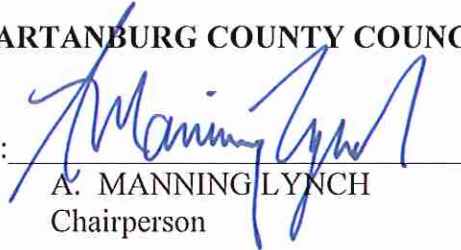
5. The harness and or collar must be fitted so as to not cause injury or become embedded in the pet's neck.
6. As required by law and County Ordinance, the pet must be provided adequate shelter, food and water as defined and regulated throughout Section 6.
7. The tethered pet must be no less than ten (10) 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.

SECTION 5: This Ordinance shall take effect upon third reading approval.


ADOPTED this 19th day of August, 2019.

SPARTANBURG COUNTY COUNCIL

BY:


A. MANNING LYNCH
Chairperson

ATTEST:


B. Cole Alverson
Spartanburg County Administrator

First Reading: June 17, 2019
Second Reading: July 15, 2019
Public Hearing: July 15, 2019
Third Reading: August 19, 2019