STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR FAIRFIELD COUNTY
ORDINANCE NO. 851

AN ORDINANCE TO REPEAL ORDINANCE NO. 737 AND TO ESTABLISH THE RULES AND REGULATIONS PERTAINING TO ANIMAL CONTROL IN FAIRFIELD COUNTY; REVISE CHAPTER 4, ANIMALS, OF THE CODE OF ORDINANCES, FAIRFIELD COUNTY, SOUTH CAROLINA; AND OTHER MATTERS RELATED THERETO.

WHEREAS, South Carolina Code Ann. § 4-9-25 confers upon counties the authority to enact regulations, resolutions, and ordinances, not inconsistent with the Constitution and general law of the State of South Carolina, including the exercise of these powers in relation to health and order in counties or respecting any subject as appears to them necessary and proper for the security, general welfare, and convenience of counties or for preserving health, peace, order, and good government in them; and

WHEREAS, South Carolina Code Ann. § 47-3-20 provides that the governing body of each county or municipality in this State may enact ordinances and promulgate regulations for the care and control of dogs, cats, and other animals and to prescribe penalties for violations; and

WHEREAS, Fairfield County Council wishes to provide for the public health and safety by regulating the care and control of dogs, cats, and other animals consistent with South Carolina law all for the public good.

NOW, THEREFORE, BE IT ORDAINED by Fairfield County Council in meeting duly noticed and assembled as follows:

Section 1. **Findings.** Each "Whereas," above is confirmed and ratified as a finding of Fairfield County Council.

Section 2. **Enactment.** The attached Exhibit A is hereby enacted by Fairfield County Council as the revisions to Chapter 4, Animals, of the Code of Ordinances, Fairfield County, South Carolina and constitute the repeal of Ordinance No. 737.

Section 3. **Repealer.** Each portion of the County Code, ordinance, resolution, regulation, order, or other directive of the County, and each part of the same in conflict with this Ordinance is, to the extent of that conflict, repealed and replaced by this Ordinance.

Section 4. **Codification.** Fairfield County shall codify the contents of this Ordinance as soon as practicable.

Section 5. **Rights Reserved to County.** This Ordinance does not vest any rights in any person or entity, and the County reserves the right to repeal this Ordinance and County Code, at any time, as often as the County Council, in its sole discretion, deems appropriate.

Section 6. **Severability.** If any part of this Ordinance is unenforceable for any reason, then the remainder of this Ordinance remains in full force and effect.

Section 7. **Effective Date.** This Ordinance is effective immediately after its enactment by approval by Fairfield County Council after third reading and public hearing.

ADOPTED BY FAIRFIELD COUNTY COUNCIL THIS _____ DAY OF _____, 2025.

_____
Clarence Gilbert, Chairman
District 7

_____
Carl E. Bell, Vice-Chair
District 4

_____
Dan Ruff, District 1

_____
Don Goldbach, District 2

_____
Peggy Swearingen, District 3

_____
Doug Pauley, District 5

_____
Oren Gadson, District 6

(SEAL)

ATTEST:

_____
Kimberly Roberts, Ed. D., Clerk to County Council
Fairfield County, South Carolina

READINGS:

First Reading: October 27, 2025
Second Reading:
Public Hearing:
Third Reading:

EXHIBIT A

Revised Chapter 4, Animals, of the Code of Ordinances, Fairfield County, South Carolina

State law reference(s) – Cruelty to animals, South Carolina Code Ann. § 47-1-10 *et seq*.; sheep-killing dogs, § 47-3-210 *et seq*.; rabies control, § 47-5-10 *et seq*.; uninoculated pets, § 47-5-130; ordinances and regulations for the control of dogs and other domestic pets, § 47-3-20 *et seq*.

Chapter Four Animals

Sec. 4-1. Definitions.

Whenever used in this chapter, unless a contrary intention is clearly evidenced, the following terms shall be interpreted as herein defined.

Abandon shall mean to desert, forsake, or intend to give up absolutely an animal without securing another owner.

Animal shall mean, in addition to dog and cat, any organism of the kingdom of Animalia, other than a human being.

Animal control officer shall mean any person employed by the county to enforce the animal control program.

Animal shelter shall mean any premises designated by the county for the purpose of impounding, care, adoption, or euthanasia of dogs and cats held under authority of this chapter.

At large shall mean a pet running 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. This definition shall not apply to dogs participating in hunting events, obedience, trials, conformation shows, tracking tests, herding trials, lure courses, and other events similar in nature.

Commercial pet breeder shall mean a person, partnership, corporation, association, or establishment engaged in a business, occupation, profession, or activity in which three (3) or more unsterilized dogs or cats that are owned, kept, harbored, or boarded and used for a stud for which a fee is charged and/or used for breeding purposes for which a fee is charged for the offspring; Commercial pet breeder shall not include livestock and other farm animals used in customary and normal agricultural husbandry practices.

Commercial Purpose shall mean the buying, selling, or breeding of pets with the intent to derive income.

Dangerous or vicious animal shall mean:

(1) Any animal which the owner knows or reasonably should have known has with a propensity, tendency or disposition to attack, to cause injury to, or to otherwise endanger the safety of human beings or other domestic animals without provocation; or

(2) Any animal which attacks a human being or other domestic animal one or more times without provocation whether or not such attack occurs on the premises of the animal's owner; or

(3) An animal owned or harbored primarily or in part for the purpose of animal fighting or an animal trained for animal fighting.

Dog Kennel means any lot, building, structure, enclosure or premises whereon or wherein three or more dogs are kept or maintained for any commercial purpose; provided, however, that if other animals or birds or fowl are bought, sold or bartered, the classification to apply shall be that of a pet shop; and provided, further, that the term "dog kennel" shall not be construed as applying to a duly licensed veterinary hospital.

Exotic animal shall mean those species of animals that are exotic to humans. Exotic animals include, but are not limited to:

(1) Class Mammalia.

a. Order Artiodactyla (only hippopotamuses and giraffes).
b. Order Carnivora (only those specified below).
    i. Family Felidae [(all species except domestic cats) this includes lions, tigers, cougars, leopards, ocelots, servals].
    ii. Family Canidae (only wolves, coyotes and jackals).
    iii. Family Ursidae (all bears).
    iv. Family Hyaenidae (hyenas).
c. Order Perissodactyla (only rhinoceroses).
d. Order Primates (only gorillas).
e. Order Proboscidae (elephants).

(2) Class Reptilia.

a. Order Squamata (only varanidae family animals specified below).
b. Family Varanidae (only water monitors and crocodile monitors).
c. Order Crocodilia (such as crocodiles, alligators, caimans, gavials, etc.) all species.

Fairfield County Animal Control shall mean Fairfield County, the Fairfield County Animal Control Director, and Fairfield County Animal Control officers.

Fowl shall mean birds kept for domestic, or utility purposes including, but not limited to, chickens, hens, rooster, guineas, ducks, geese, turkeys, emus, quail, and poultry.

Litter shall mean multiple offspring that are born at one time from the same mother.

Livestock shall mean cattle, sheep, horses, goats, swine, mules, asses, rabbits, and other animals ordinarily raised or used on a farm.

Nuisance shall mean an animal that disturbs the rights of, threatens the safety of, or damages a member of the general public, or interferes with the ordinary use and enjoyment of their property.

Owner shall mean any person who:

(1) Has a property right in an animal;
(2) Keeps or harbors an animal or who has it in his or her care or acts as its custodian; or
(3) Permits an animal to remain on or about any premises occupied by him or her for ten (10) days.

Pet shall mean a domestic dog (canis familiaris) and/or a domestic cat (felis catus domesticus). When applicable, pet shall also mean an animal kept lawfully for pleasure rather than utility or commercial purposes, including fowl.

Pet shop means any lot, building, structure, enclosure or premises whereon or wherein is carried on a business of buying and/or selling or bartering birds, animals or fowl; but this definition shall not be construed as applying to the buying or selling of livestock, nor to the business or activities of a duly licensed veterinary hospital, nor to a duly licensed dog kennel.

Shelter shall mean a structure, including but not limited to, a dog house or a stable that protects an animal from the sun, rain, and other inclement weather or environmental conditions.

Sterilized shall mean the surgical removal of the reproductive organs of a dog or cat in order to render the animal unable to reproduce.

Under restraint shall mean a pet that is:

(1) On the premises of its owner or custodian indoors;
(2) On the premises of its owner or custodian outdoors on a leash or other similar restraining device or within a fenced-in area;

(3) On the premises of its owner or custodian while accompanied by its owner or custodian; or

(4) Off the premises of its owner or custodian while accompanied by its owner or custodian and is under physical control of such owner or custodian by means of a leash or other similar restraining device.

Unincorporated area of the county shall mean the unincorporated area of Fairfield County and all areas located in municipalities with which Fairfield County has an agreement for animal services.

Sec. 4-2. Dangerous or vicious animals.

(a) As used in this section, "dangerous animal" shall mean an animal of the canine or feline family.

(b) No person 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 the term is used in this section if the animal is not securely confined indoors or confined in a securely enclosed and locked pen or "run" area upon the person's premises. The pen or run area also must have sides six (6) feet high and a secure top. If the pen or structure has no bottom secured to the sides, the sides must be imbedded into the ground at a depth of no less than one (1) foot. The pen or run area must be clearly marked as containing a dangerous animal and must be designed to prevent the entry of the general public, including children, and to prevent the escape or release of the animal. If the animal is being moved from being confined indoors to its secure outdoor enclosure, the dog shall be muzzled and under restraint by the owner. The provisions of this section shall not apply to any animal that is owned by a licensed security company and is on patrol in a confined area.

(c) Any animal that has been determined to be a dangerous or vicious animal may be impounded by Fairfield County Animal Control. Such animals shall not be euthanized unless the owner has surrendered the animal to the animal shelter and has completed and signed a surrender form or until a hearing is held before an appropriate magistrate and the magistrate has determined that the animal should be euthanized. However, if the magistrate has determined that the owner may redeem the animal, the Fairfield County Animal Control shall release the animal upon receipt of all redemption fees as described in Section 4-15, below. If the owner does not pay the redemption fees within five (5) days of the magistrate's order, the animal shall become the property of the animal shelter and may be euthanized.

Sec. 4-3. Running at large – restraint.

(a) It is unlawful for an animal to be at large. All dogs must be kept under restraint or confinement if off the premises of the owner or keeper. Any dog not so restrained will be deemed unlawfully running at large in the unincorporated area of the county.

(b) Dog(s) that are participating in hunting events, obedience trials, conformation shows, tracking tests, herding trials, lure courses, or other events similar in nature shall not be considered "at large."

Sec. 4-4. Rabies control.

(a) The owner of any cat or dog over four (4) months of age must have proof of current rabies inoculation for that animal in the form of a certificate signed by a licensed veterinarian or a current and valid rabies tag. In the event a vicious animal bites a human and the owners cannot provide proof of rabies vaccination, at the discretion of Animal Control, with cooperation from the South Carolina Department of Public Health (SCDPH), an order shall be issued to euthanize the animal and immediately ship the head to the SCDPH lab for scientific determination with regard to whether the animal is rabid.

(b) After any animal has been quarantined pursuant to South Carolina Rabies Control Act and is unclaimed by its owner, after the animal shelter employees have made a good faith effort to contact the identified owner as required by Section 47–3–540, the animal shelter employees, unless the animal must be kept pending disposition of a criminal or civil trial involving the animal or unless a hearing on the disposition of the animal is held prior to the trial, may dispose of the animal by adoption or by euthanasia or the animal may be turned over to any reputable organization established for the purpose of caring for animals.

(c) Notwithstanding subsection (d), a litter of unidentifiable dogs or cats four months of age or younger may be turned over to any organization established for the purpose of caring for animals immediately, so long as the litter is turned over for life-saving purposes.

(d) After any animal has been impounded for five calendar days and is unclaimed by its owner, and after the animal shelter employees have made a good faith effort to contact the identified owner as required by S.C. Code Ann. §47–3–540, the animal shelter employees, unless the animal must be kept pending disposition of a criminal or civil trial involving the animal or unless a hearing on the disposition of the animal is held prior to the trial, may dispose of the animal by adoption or by euthanasia or the animal may be turned over to any reputable organization established for the purpose of caring for animals.

(e) Complete records must be kept by shelter officials as to the disposition of all animals impounded.

Sec. 4-5. Collar and identification required.

Any person owning, keeping, harboring or having custody of a dog over four months of age within the unincorporated areas of the county must ensure that every dog owned is microchipped with a chip which can positively identify the owner of the animal and wears a collar bearing identification including the name and current phone number of the owner.

Sec. 4-6. Removal of excrement.

The owner of every pet shall be responsible for the removal of any excretions deposited by his or her pet on public walks and ways, recreation areas, or private property other than that of the owner.

Sec. 4-7. Injured or diseased pets.

Anyone striking a pet with a motor vehicle or bicycle shall immediately notify Fairfield County Animal Control, the Fairfield County Sheriff's Office, or Fairfield County Emergency Management/E-911 who will then take action necessary to make proper disposition of the pet. Any pet received by the animal shelter in critical condition from wounds, injuries, or disease may

receive sustaining treatment by a licensed veterinarian until such time as the owner of the pet is contacted. Any such pet in critical condition, as described in this section, may be humanely destroyed if the owner cannot be contacted within five (5) hours or immediately euthanized if determined necessary by a licensed veterinarian. Any veterinarian fees incurred must be paid by the owner(s) prior to redemption.

Sec. 4-8. Nuisance animals.

(a) The actions of an animal constitute a nuisance when an animal disturbs the rights of, threatens the safety of, or damages a member of the general public, or interferes with the ordinary use and enjoyment of their property.

(b) It shall be unlawful for any person to own, keep, possess, or maintain an animal in such a manner so as to constitute a public nuisance. By way of example, and not of limitation, the following acts or actions by an owner or possessor of any animal are hereby declared to be a public nuisance and are, therefore, unlawful:

(1) Failure to exercise sufficient restraint necessary to control an animal as required by Section 4-3.

(2) Allowing or permitting an animal to damage the property of anyone other than its owner, including, but not limited to, harassing, chasing, or killing livestock or fowl, turning over garbage containers or damaging gardens, flowers, or vegetables.

(3) Failure to maintain a dangerous animal in a manner other than that which is described in Section 4-2.

(4) Maintaining animals in an environment of unsanitary conditions which results in offensive odors or is dangerous to the animal or to the public health, welfare or safety.

(5) Maintaining his or her property in a manner that is offensive, annoying, or dangerous to the public health, safety, or welfare of the community because of the number, type, variety, density, or location of the animals on the property.

(6) Maintaining an animal that is diseased and dangerous to the public health.

(7) Maintaining an animal that habitually or repeatedly chases, snaps at, attacks, or barks at pedestrians, bicycles, or vehicles.

(8) Allowing or permitting an animal to bark, whine, or howl in an excessive, unwarranted, and continuous or untimely fashion, or make other noise in such a manner so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises from the hours of 10:00pm to 7:00am.

(c) An animal that has been determined to be a habitual nuisance by the Fairfield County Animal Control may be impounded and may not be returned to the owner until said owner can produce evidence to demonstrate that the situation creating the nuisance has been resolved.

(d) Every female dog and cat in heat shall be kept confined in a building or secure enclosure in such manner as will not create a nuisance by attracting other animals.

Sec. 4-9. Animal care, generally.

(a) It shall be unlawful for an owner to fail to provide his or her animal(s) with sufficient food and water, proper shelter and protection from the weather as necessary, veterinary care when needed to prevent suffering, and humane care and treatment.

(b) It shall be unlawful for a person to beat, cruelly treat, neglect, torment, overload,

overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight or other combat between animals or between animals and humans.

(c) It shall be unlawful for a person to dye or color artificially any animal or fowl, including but not limited to rabbits, baby chickens, and ducklings, or to bring any dyed or colored animal or fowl into the County.

(d) It shall be unlawful for any owner to abandon an animal in the unincorporated area of the county.

(e) No person shall expose any known poisonous substance, so that the same shall be liable to be eaten by any domestic animal.

(f) It shall be unlawful to leave a dog or cat in a crate (wire, pet carrier, or similar small-size enclosure) on a porch or in a yard and exposed to inclement weather such as excessive heat, cold, or rain.

(g) 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. This section shall not apply to dog(s) that are participating in hunting events, obedience trials, conformation shows, tracking tests, herding trials, lure courses, or other events similar in nature.

(1) Notwithstanding subsection (g) of this section, 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 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.

b. The 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.

c. The 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.

d. The line or leash connecting the 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.

e. The trolley system must be connected to only one (1) dog. If more than one (1) dog is connected to a trolley system in the same area, the dogs must be separated by a sufficient distance to prevent entanglement. Dogs shall not be connected to trolley system at the site of an unoccupied, abandoned or condemned dwelling or building.

f. Dogs under six (6) months of age or that are sick or in distress shall not be connected to a trolley system.

g. All dogs six (6) months of age or older on a trolley system must be spayed or neutered unless the owner can furnish a written statement signed by a licensed veterinarian that the pet, due to health reasons, could not withstand the spay/neuter surgery. If unable to be spayed pursuant to the health reasons above attested to by a licensed veterinarian, a female dog in heat must be confined within a building, secure enclosure or otherwise protected from access by other dogs to prevent reproduction.
h. Nothing in this section shall be constructed to prohibit a person from walking a dog with a hand-held leash or similar restraint.

Sec. 4-10. Care of animals during transport.

During transportation, an animal must be provided adequate space, hydration, and ventilation.

Sec. 4-11. Confinement of animals in motor vehicles.

(a) In order to protect the health and safety of an animal, any animal control officer, law enforcement officer, firefighter, or rescue squad worker, who has probable cause to believe that an animal is confined in a motor vehicle under conditions that are likely to cause suffering, injury, or death to the animal due to heat, cold, lack of adequate ventilation, or under other endangering conditions, may enter the motor vehicle by any reasonable means under the circumstances after making a reasonable effort to locate the owner or other person responsible for the animal. The animal's owner shall be responsible for any damages that may result to personal property in the process of the animal control officer, law enforcement officer, firefighter, or rescue squad worker entering the motor vehicle for this purpose.

(b) Nothing in this section shall be construed to apply to the transportation of horses, cattle, sheep, swine, poultry, or other livestock.

Sec. 4-12. Seizure and right of entry to protect abandoned, neglected, or cruelly treated animals.

(a) If an owner does not give permission, the animal control officer may obtain a search warrant to enter any premises upon which reasonable suspicion of a violation of this chapter exists. Once upon the premises, the officer may examine such animal and may take immediate custody of the animal when, in his or her opinion, it requires removal from the premises. The animal control officer shall thereafter petition the appropriate magistrate for a hearing, which shall be a civil proceeding. The hearing shall be set as soon as possible from the date of the seizure of the animal to determine whether the owner, if known, is able to adequately provide for the animal and is a fit person to own the animal. The animal control officer shall cause to be served upon the owner, if known and residing within the jurisdiction wherein the animal is found, written notice at least five (5) days prior to the hearing of the time and place of the hearing. If the owner is not known or cannot be found within the jurisdiction wherein the animal was found, the animal control officer shall post a copy of the notice at the property where the animal was seized. The pet or animal shall remain in the custody and care of the animal shelter until such matter is heard before the magistrate.

The magistrate shall make the final determination as to whether the animal is returned to the owner or whether title is transferred to the animal shelter whereby the animal may be put up for adoption or humanely destroyed. If the magistrate orders the return of the animal to its owner, the animal control officer shall release the animal upon receipt from the owner of all redemption fees as described in Section 4-15, below. If the owner does not pay the redemption fees within five (5) days of the magistrate's order, the animal shall become the property of the animal control shelter and may be placed for adoption or euthanized. The court, in determining whether the owner is able to adequately provide for the animal or is a fit person to own the animal, may take into consideration, among other things, the owner's past record of convictions under this chapter, or one similar thereto, and the owner's mental and physical condition.

(b) Nothing in this section shall be construed to prohibit the euthanization of a critically injured or ill animal for humane purposes.

Sec. 4-13. Performing animal exhibitions.

(a) No performing animal exhibition, such as circuses, zoos, or carnivals, 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. This section shall not be construed to apply to the responsible and appropriate use of electronic collars on a dog(s) that are participating in hunting events, obedience trials, conformation shows, tracking tests, herding trials, lure courses, or other events or training of similar nature.

(b) All equipment used on a performing animal shall fit properly and be in good working condition.

Sec. 4-14. Keeping of wild animals

(a) No person shall keep or permit to be kept on his premises any wild or vicious animal for display or for 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 state law.

(c) The following animals are deemed to be wild per se:

1. All nondomestic members of the family felidae;
2. All nondomestic members of family canis;
3. Wolves, wolf-dog hybrids containing any percentage of wolf, coyotes and foxes;
4. Bears;
5. Alligators, crocodiles and caimans;
6. Scorpions; or
7. Venomous reptile.

Sec. 4-15. Impounding.

(a) Any animal found within the unincorporated area of the county in violation of the provisions of this chapter may be caught and impounded by county authorities. If an animal cannot

be caught in a safe, efficient manner, animal control officer(s) may tranquilize the animal by use of a tranquilizer gun. The Fairfield County Animal Control may, thereafter, make available for adoption or humanely destroy impounded animals not redeemed within five (5) days. Fairfield County is not responsible for the death of an animal due to the use of a tranquilizer gun for animals in violation of this ordinance.

(b) When a person arrested is, at the time of the arrest, in charge of an animal, the Fairfield County Animal Control may take charge of the animal and deposit the animal in a safe place of custody or impound the animal at its animal shelter.

(c) All animals held at its animal shelter after the legal detention period has expired and its owner has not claimed the animal shall be the property of the animal shelter and subject to being placed for adoption, fostered, or euthanized at the sole discretion of Fairfield County Animal Control.

(d) Immediately after impounding a pet that is wearing a rabies tag, or another identification tag, or a pet that has an implanted identification microchip or an obvious identification tattoo, a reasonable effort will be made to locate the owner and to inform him or her of the circumstances under which he or she may regain custody of the pet impounded by the Fairfield County Animal Control reflecting its disposition. Such reasonable efforts shall include, but are not limited to, the use of social media, phone and mail if contact information can be located.

(e) Animal control officers must not destroy any positively identifiable dog until they have notified the owner at his last known address by registered mail that they have the dog in their possession. The owner must notify the animal control officer within two weeks that he will pick up his dog. If the owner does not pick up his dog within two weeks of notification to the animal control officer, the dog may be destroyed. Reasonable costs associated with the above extended holding period, including cost of mailing the required notice, must be paid before the dog is returned to its owner, in addition to any other established costs, fines, fees, or other charges.

(f) Any animal found at large may be impounded by the animal control officer and may not be redeemed by its owner unless such redemption is authorized by the Fairfield County Animal Control, with assurance from the owner that proper care and custody will be maintained.

(g) Any animal surrendered to the animal shelter may be adopted or euthanized at any time provided there is a completed and signed surrender form on file for the animal concerned.

(h) Fairfield County Animal Control shall maintain records of the rabies tag number, microchip number, and/or obvious tattoo for any animal impounded on which a number or tattoo can be located in addition to the disposition of all animals impounded.

Sec. 4-16. Redemption.

(a) The owner or keeper of any pet that has been impounded under the provisions of this chapter, and which has not been found to be dangerous or vicious, shall have the right to redeem such pet at any time within five (5) days upon payment of all actual costs expended for the care and treatment of the pet, including the actual cost of:

(1) all inoculations required by law and medical care;

(2) the spay or neuter procedure which shall be required prior to redemption if the pet is not spayed or neutered and does not qualify for one of the exemptions listed in Section 4-16(c);

(3) the cost of installing a microchip should one not already be present; and

(4) a daily fee as determined from time to time by the Fairfield County Council.

(b) Any animal determined by an appropriate magistrate, as provided for in Section 4-2 above, to be a dangerous or vicious animal but eligible for redemption may be redeemed, with five (5) days of the order of the magistrate, upon the following conditions:

(1) The owner or person harboring or having the care or the custody of the redeemed animal shall not permit the animal to go unconfined on his premises and shall contain the animal as provided in Section 4-2, above;

(2) The owner or person harboring or having the care or the custody of the redeemed animal shall pay all actual costs expended for the care and treatment of the pet, including the actual cost of: (1) all inoculations required by law and medical care; (2) the spay or neuter procedure if the pet is not spayed or neutered; (3) the cost of installing a microchip should one not already be present; and (4) a daily fee as determined from time to time by the Fairfield County Council.

(c) Sterilization Exceptions*:* A sterilization procedure will not be required for an animal that is redeemed pursuant to provisions Section 4-16(a) above if any of the following conditions apply:

(1) The owner of the a pet who can furnishes a statement from a licensed veterinarian that the pet, due to health reasons, could not withstand the spay/neuter surgery; or

(2) The animal is inoculated in accordance with State Law and the owner provides proof of a current rabies inoculation for the pet in the form of a certificate signed by a licensed veterinarian or a rabies tag, is microchipped with a chip which can positively identify the owner of the animal, and the animal's owner elects to pay an additional redemption fee in an amount established by Fairfield County Council, set at an amount to encourage sterilization:

(a) First redemption: One hundred dollars ($100.00);

(b) Second redemption shall be double the first redemption fee: Two hundred dollars ($200.00)

(d) Sterilization Exceptions Do Not Apply: Animals do not qualify for a sterilization exception under Section 4-16(c)(2) if:

(1) The animal is a dangerous or vicious animal but eligible for redemption;

(2) The animal has been impounded by Fairfield County Animal Control for a violation of running at large twice or more previously; or

(3) The required fees are not paid within five (5) days of impoundment.

Sec. 4-17. Interference with Animal Control officers.

It shall be unlawful for any person to interfere with, hinder, or molest an animal control officer in the performance of his or her duty or seek to release any pet in his/her custody without his/her consent.

Sec. 4-18. Complainant's identification to remain confidential.

The identity, or information tending to reveal the identity, of any individual who in good faith makes a complaint or otherwise discloses information, which alleges a violation of this chapter, shall remain confidential to the agency receiving the report unless the complainant authorizes the release of his or her identity, provided, however, the South Carolina Freedom of Information Act is complied with by Fairfield County.

Sec. 4-19. Registration of exotic pets.

(a) Any person owning or harboring or having the care or the custody of an exotic animal shall register the animal with Fairfield County Animal Control or a form to be prepared and approved by Fairfield County Animal Control.

Sec. 4-20. Dog Kennels and Pet Shops.

(a) All dog kennels and pet shops shall be constructed, permitted, registered or licensed, inspected and operated in accordance with all applicable federal, state, and local laws including, but not limited to, Sections 4-8 and 4-9 of this ordinance. In addition, dog kennels and pet shops shall at all times maintain the following requirements:

(1) The enclosure or other area(s) where the pets are kept is constructed in such a manner that pets housed there will be adequately and comfortably kept in any season of the year;

(2) The enclosure or other area(s) where the pets are kept is able to be easily cleaned and sanitized and kept clean and free from accumulations of feces, filth, mud, and debris;

(3) Every pet on the premises has constant access to a clean and fresh water supply and an adequate amount of food appropriate to maintain each pet's normal condition of health; and

(4) The premise where the pets are kept is set up in such a manner as to prevent pets from straying beyond their enclosed confines or other areas and prevents the public and stray animals from obtaining entrance thereto or making contact with the pets on the premise.

Sec. 4-21. Pet Registration.

(a) For the purposes of this section, pet shall mean domestic dog and/or domestic cat.

(b) Any person owning, harboring or having the care or the custody of a pet shall register the pet with Fairfield County Animal Control by the calendar date the pet reaches six (6) months of age or within ninety (90) calendar days of the adoption, purchase, or transfer of the animal to the owner's care or custody.

(c) A pet owner or custodian who moves into the unincorporated area of the county for the purpose of establishing residency shall have ninety (90) calendar days to register their pet with Fairfield County Animal Control

(d) As part of the one-time registration, the owner shall be required to submit:
   (1) Proof of a current rabies inoculation for the pet in the form of a certificate signed by a licensed veterinarian or a rabies tag;
   (2) Evidence of an implanted microchip which can positively identify the owner of the animal;
   (3) A form to be prepared and approved by Fairfield County Animal Control; and
   (4) A one-time registration fee in an amount set by Fairfield County Council

(e) The owner shall notify Fairfield County Animal Control when or if the pet is adopted, sold, or transferred to the care of another owner, and when the pet is deceased.

(f) Fairfield County Animal Control shall maintain records of the pets registered with the County for the purpose of identification.

(g) All revenues collected under the requirements of this section must remain within the Fairfield County Animal Control budget.

Sec. 4-22. Commercial Pet Breeder.

(a) For the purposes of this section, pet shall mean domestic dog and/or domestic cat.

(b) No person shall operate as a commercial pet breeder within Fairfield County without first obtaining a permit from Fairfield County Animal Control, issued at a frequency to be set by County Council.

(c) To qualify for a commercial pet breeder permit, a commercial pet breeder must submit the following to Fairfield County Animal Control:

(1) Proof of current rabies inoculation for all breeding animals in the form of a certificate signed by a licensed veterinarian or a rabies tag for each animal;

(2) Evidence of an implanted microchip for all breeding animals which can positively identify the owner of each animal;

(3) An up-to-date veterinary report for all animals to be bred certifying the animals are healthy and current on all required vaccinations;

(4) A form to be prepared and approved by Fairfield County Animal Control; and

(5) A permit fee in an amount set by County Council

(d) Fairfield County Animal Control may inspect the facilities of permitted commercial pet breeders at a frequency to be set by County Council or if a reasonable suspicion of a violation of Section 4-9 of this Ordinance exists. Anyone who owns or operates as a permitted commercial pet breeder within the unincorporated areas of the county must agree to follow-up inspections.

Sec. 4-23. Sale of Animals or Pets.

(a) No person shall sell, trade, barter, auction, lease, rent, give away, or display for commercial purpose, any pet on any roadside, public right-of-way, public property, commercial parking lot or sidewalk, or at any flea market, fair, or carnival.

(b) No person shall offer an animal or pet as an inducement to purchase a product, commodity, or service.

(c) No person shall sell, offer for sale, or give away any pet eight weeks of age or under, except as to surrender to Fairfield County Animal Control or to a licensed pet rescue organization.

(d) Any sale of wildlife will be reported to the South Carolina Department of Natural Resources, United States Department of Agriculture, and United States Fish and Wildlife Service.

Sec. 4-24. Penalties.

(a) Any person who violates the provisions of this Chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to 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. Each day's continuing violation shall constitute a separate and distinct offense.

Sec. 4-25. Conflicts with State Law

(a) 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.