

**CITY OF FOUNTAIN INN, SOUTH CAROLINA**

**TITLE: AN ORDINANCE TO AMEND CHAPTER 5, ANIMAL CONTROL, SECTION 5-6, BY SPECIFYING THE CARE TO BE PROVIDED TO ANIMALS AND TO PROHIBIT TETHERING UNLESS CERTAIN CONDITIONS EXIST.**

**WHEREAS**, the City of Fountain Inn has an ordinance, Section 5-6, concerning cruelty to animals; and

**WHEREAS**, Section 5-6 does not currently prohibit the tethering of animals should be clarified with regard to animal care; and

**WHEREAS**, the City Council believes that Section 5-6 should be amended to clarify the proper keeping of animals and to prohibit tethering of animals unless certain conditions exist;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FOUNTAIN INN, SOUTH CAROLINA**, as follows:

SECTION 1. Chapter 5, Animal Control, Section 5-6, Animal Cruelty of the Code of Ordinances is hereby amended to read:

Sec. 5-6. - Animal Cruelty.

(a) No owner or keeper shall fail to provide such person's animals with sufficient wholesome food; clean, fresh water; proper shelter and protection from the weather; veterinary care when needed to prevent suffering; and humane treatment. 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.

(b) Proper shelter includes a structure appropriately sized for the animal to stand or lie in a normal manner. The structure must adequately protect the animal from harsh weather; at a minimum, it shall have a roof, four sides and an opening for ingress and egress.

(c) It shall be unlawful for a person to tether an animal while outdoors unless all of the following conditions are met:

- (1) The animal must be over the age of six months.
- (2) The animal is in visual range of a responsible party and the responsible party is outside with the animal.
- (3) The animal is not tethered more than two 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 or leather not less than one inch in width and is one inch greater in diameter than the animal's neck or torso.
- (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. Has a total weight not in excess of 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, extreme heat, temperatures 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 water, food and proper 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.

**SECTION 2. AUTHORIZATION.** The Mayor, the City Administrator, and the City Clerk, for and on behalf of the City, acting jointly or individually, are fully empowered and authorized to take such further action as may be reasonably necessary to effect the amendments authorized by this Ordinance in accordance with the conditions herein set forth.

**SECTION 3. REPEALER:** All ordinances, orders, resolutions and parts thereof in conflict herewith are, but only to the extent of such conflict, are hereby REPEALED and this Ordinance shall take effect and be in full force from the Effective Date as set forth in Section 7.

**SECTION 4. PROVISION SEVERAGE:** If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The CITY COUNCIL hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**SECTION 5. SAVINGS CLAUSE:** Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as stated in Section 1 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 6. The CITY CLERK is hereby ordered and directed to cause this ordinance to be published according to law.

SECTION 7. EFFECTIVE DATE: This ordinance shall become effective upon final approval by Council after second reading and signing by the Mayor.

**DONE in Regular Meeting duly assembled this 11th day of February 2021.**

SIGNATURE OF MAYOR:

  
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George Patrick McLeer, Jr.

ATTEST:

  
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Sandra H. Woods  
City Clerk

APPROVED AS TO FORM:

  
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David W. Holmes  
City Attorney

FIRST READING: 1/14/2021

SECOND READING: 2/11/2021