



The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES M. CONDON
ATTORNEY GENERAL

April 27, 2001

Lieutenant Scott Johnson
Beaufort County Sheriff's Office
P.O. Box 1758
Beaufort, South Carolina 29901

Re: Beaufort County Ordinance - "Animal locked in vehicle"

Dear Lieutenant Johnson:

In a letter to this Office, you have requested an opinion on a "Beaufort County statute...that states that no dog shall be left unattended in a vehicle." You inquire as to the existence of a similar state statute and question the application of the County ordinance to the practice of the police officers on the K-9 unit.

First of all, I can locate no State law specifically covering dogs or other animals left in vehicles.¹ Secondly, the scope of your local ordinance is dependent upon the intent of the Beaufort County Council in enacting the law.² The ordinance you have provided reads as follows:

Animal locked in vehicle. It shall be illegal for any person to leave an animal(s) unattended in a vehicle. The Animal Control Officer assisted by another Law Enforcement Officer will remove the animal(s) when the Officers' opinions are that the animal(s) is(are) in distress.

The application of the ordinance to K-9 Officers who leave their dogs in their vehicles depends on whether the County Council intended to strictly ban the practice or intended to insure the humane

¹ S.C. Code Ann. §47-1-50 provides that a person may not carry an animal in a vehicle "in an unnecessarily cruel or inhumane manner."

² The primary goal of statutory interpretation is to ascertain the intent the governing body. State v. Martin, 293 S.C. 46, 358 S.E.2d 697 (1987).

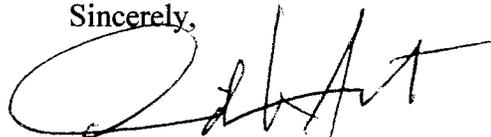
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treatment of the animal.³ Reading the ordinance as a whole, the latter interpretation would not be unreasonable as it is apparent the Council was concerned with "animal(s)...in distress." Further, such an interpretation would be consistent with one of the commonly understood meanings of the word "unattended." According to the *Encarta World English Dictionary*, "unattended" can mean "not cared for: not taken care of or seen to." It is my understanding that K-9 officers always take steps to insure that their dogs are maintained properly while left in their vehicles (ex. the engine is left running with the appropriate climate control activated). Accordingly, such dogs would not necessarily be "unattended" because they have been "taken care of or seen to."

As the ordinance is capable of two interpretations, I would suggest that your Office contact the Beaufort County Attorney in an attempt to clarify its intended purpose.

This letter is an informal opinion only. It has been written by a designated Assistant Attorney General and represents the position of the undersigned attorney as to the specific question asked. It has not, however, been personally scrutinized by the Attorney General and not officially published in the manner of a formal opinion.

Sincerely,



David K. Avant
Assistant Attorney General

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³ I have enclosed state statutes similar to the ordinance in question from Maryland, Minnesota, North Dakota, South Dakota and Vermont. These statutes all make clear that the overriding intent is the insurance of the animals health and safety.