

A G E N D A

OCONEE COUNTY COUNCIL MEETING

TUESDAY, JUNE 16, 1998

3:00 PM

1. Call to Order
2. Invocation
3. Approval of Minutes of Regular Meeting Held June 2, 1998
4. Approval of Minutes of Special Meeting Held June 9, 1998
5. Presentation of Sewer Commission Budget for Fiscal Year 1998-99 - Mr. Howard Adams, Chairman, & Mr. Robert Winchester, Superintendent, Sewer Commission
6. Discussion & Possible Action Regarding Animal Control Ordinance - Sheriff James Singleton & Mrs. Lindsay Fields, Humane Society
7. Consideration of Request for Contingency Funds in the Amount of Approximately \$5,000 for Run Off Elections - Mr. Robert Brock, Co-Chairman, Elections Committee
8. Discussion Regarding Tall Oak Trail - Mr. Wayne Sosebee
9. Third & Final Reading of Ordinance 98-2, "OCONEE COUNTY NOISE CONTROL ORDINANCE"
10. Old Business
11. New Business
12. Adjourn

Prior to the regular Council Meeting at 3:00 pm there will be an open meeting June 16, 1998 at 2:30 pm in Council Chambers, 208 Booker Drive, Walhalla, SC for the public to express their concerns to Council. Anyone wishing to speak will need to sign in and give the subject on which they wish to express their concerns.

MEMBERS, OCONEE COUNTY COUNCIL

District I - VACANT
Mr. Harry R. Hamilton, District III
Mr. Charles R. "Chuck" Timms, District IV
Mr. J. Harold Thomas, District II
Mrs. Ann H. Hughes, District IV

MINUTES, OCONEE COUNTY COUNCIL MEETING

The regular meeting of the Oconee County Council was held Tuesday, June 16, 1998 at 3:00 pm in Council Chambers with all Council Members and the County Attorney present.

Members of The press notified (by mail):
Journal Tribune, Keowee Courier, Westminster News, Anderson Independent, Greenville News, WGOG Radio, WSNW Radio, WCCP Radio, WPEK Radio, The Times Upstate, Northland Cablevision, WYFF TV, WSPA TV & WLOS TV.

Press

Members of the press present: Dick Mangrum - WGOG Radio, Ashton Hester - Keowee Courier, Terry Cregar - Greenville News, Brian Fulkerson - Journal Tribune & Northland Cable.

The meeting was called to order by Supervisor -Chairman Orr who welcomed the guests and media.

Call to Order

The invocation was given by Mr. Thomas.

Invocation

Mrs. Hughes made a motion, seconded by Mr. Hamilton, approved 4 - 0 that the minutes of the regular meeting held June 2, 1998 be adopted as printed.

**Minutes
(6/2/98)**

Mr. Hamilton made a motion, seconded by Mrs. Hughes, approved 4 - 0 that the minutes of the special meeting held June 9, 1998 be adopted as printed.

**Minutes
(6/9/98)**

Upon recommendation of Mr. Howard Adams, Chairman, & Mr. Robert Winchester, Superintendent, Sewer Commission, Mr. Thomas made a motion, seconded by Mr. Timms, approved 4 - 0 that the attached budget for fiscal year 1998-99 for the Sewer Commission be adopted.

**Sewer
Budget**

To Mr. Thomas's inquiry, Mr. Adams informed Council that the Sewer Commission had approved the concept of the Sewer Commission purchasing a sludge drying machine.

Upon request of Mr. Adams & Mr. Winchester, Mr. Hamilton made a motion, seconded by Mrs. Hughes, approved 4 - 0 that the attached contract with Network Controls & Electric, Inc. for repair of underground wire at the Coneross Creek in the amount of \$128,800 for the construction phase be adopted.

**Sewer
Contract**

Discussion of the animal control ordinance was postponed until a later meeting.

**Animal
Control
Ordinance**

Upon request of Mr. Bob Brock, Co-Chairman, Registration & Elections Board, Mr. Thomas made a motion, seconded by Mr. Hamilton, approved 4 - 0 that \$5,000 be taken from contingency and placed in line item 10 013 00120 13121 to cover the cost of personnel for run off primaries and elections.

**Reg. &
Election**

Mr. Wayne Sosebee addressed Council regarding Tall Oak Trail. After considerable discussion, Mr. Cain, County Attorney, assured Mr. Sosebee he would look into the matter further.

**Tall Oak
Trail**

Mr. Thomas made a motion, seconded by Mrs. Hughes that Ordinance 98-2, "OCONEE COUNTY NOISE CONTROL ORDINANCE" be adopted on third and final reading.

Ord. 98-2

Mr. Thomas made a motion, seconded by Mrs. Hughes that Ordinance 98-2 be amended to include Christmas Eve, New Year's Eve be included in Section 7. Fireworks and Other Explosive Devices, and further, that the ordinance be amended to include changes which were made by the Law Enforcement Center and included in the ordinance between second and third readings.

This amendment was adopted 4 - 0.

The ordinance, as amended, was then adopted
4 - 0.

After discussion, Mr. Orr informed Council he would speak with Dewitt Mize, Fire Marshal, regarding the cost of providing adequate fire protection for the Newry area.

Newry

Mr. Orr appointed Mr. Thomas as a liason between the Council and the Planning Commission.

**Planning
Comm.**

Mr. Timms discussed the possibility of having the Planning Commission conducting a feasibility study regarding an infrastructure in the county, especially the southern part of the county.

(Study)

Mr. Timms made a motion, seconded by Mr. Hamilton, approved 4 - 0 that \$1,157 be taken from contingency and placed in line item 10 012 00130 00014 as the matching portion, required by law, for an employee to establish retirement service. (See attached request)

Retirement

(Cont'cy)

Mr. Roger Williams, Assessor, on behalf of the Assessor, Auditor & Treasurer presented to Council a request of two citizens to be reimbursed past the three years allowed by law for taxes they had paid on property they no longer owned. It was the consensus of Council that since the law only allowed for three years, they did not have the authority to go above the law, therefore, the matter was not considered.

Tax Refund

Minutes, Oconee County Council Meeting
Tuesday, June 16, 1998 - 3:00 pm
Page 3

Mr. Timms made a motion, seconded by Mrs. Hughes, approved 4 - 0 that Council go into executive session for the purpose of discussing contractual matters.

**Executive
Session**

When open session resumed, Mr. Orr clarified his appointing Mr. Thomas as a liason only for between the Planning Commission and Council.

**Open
Session**

Mr. Hamilton made a motion, seconded by Mrs. Hughes, approved 4 - 0 that the attached consent order with the South Carolina Department of Health & Environmental Control regarding the Seneca Construction, Demolition and Land-Clearing Debris Landfill (#371001-1201) be adopted.

**Consent
Order**

Mr. Cain, County Attorney, informed those present that Council had received briefings regarding other contractual matters, but no action was necessary.

Adjourn: 5:45 pm

Adjourn

Submitted By:

Opal O. Green
Council Clerk
Reviewed By:
Harrison E. Orr
Supervisor-Chairman



Oconee County Sewer Commission

623 Return Church Road • Seneca, South Carolina 29678

Phone: 864-972-3900 • Fax: 864-972-3917

May 29, 1998

Mr. Harrison Orr
Oconee County Supervisor
208 Booker Drive
Walhalla, S.C. 29691

Re: 1998-99 Sewer Commission Budget

Dear Mr. Orr:

Attached find a draft copy of the Oconee County Sewer Commission's 1998-99 budget for your review. This budget is expected to be approved by the Sewer Commission at the June 2, 1998 meeting. We have requested time on the agenda for the June 16, 1998 County Council meeting for presentation of this budget for Council approval.

Attached find a copy of the Oconee County Sewer Commission's Resolution #96-1 and the recommendation to retire the 1988 bonds on July 1, 1998. The \$2,135,937 will come from the Depreciation Fund and the Debt Service Reserve Fund.

Please note that:

- A) The total budget is down \$21,629.00 overall, below the 1997-98 approved budget.
- B) 40.7% of the total budget represents the payoff of the 1988 bonds.
- C) The Commission plans to transfer \$383,273 from Gross Revenue reserves to the revenue side of this budget.
- D) The Contingency Fund will remain at \$95,000 for 1998-99.
- E) The budget will not require an increase in user fees to the cities to fund the budget. The rate is projected at \$1.70 per 1,000 gallons, which is \$32,595 below the current fiscal year's projected user fees from the cities.

The Sewer Commission requests that County Council approve the proposed 1998-99 budget; and, with this approval, allow the Sewer Commission to make adjustments to

Mr. Harrison Orr
May 29, 1998
Page 2

line items and transfer from Contingency within the total budget. (Tim Cain letter attached.)

Please review this information; and, if you have questions or comments, please call.

Sincerely,



Howard S. Adams
Commission Chairman

HSA/lis

Attachments

cc: Mr. Harry R. Hamilton
Mr. J. Harold Thomas
Mr. Charles R. Timms
Ms. Ann H. Hughes
Mr. Tim Cain, County Attorney
Sewer Commissioners

OCONEE COUNTY SEWER COMMISSION

1998-99 BUDGET

WORKSHEET

ACCOUNT CODE	LINE ITEM	CURRENT YEAR	PROPOSED YEAR
5000	Salaries	424,919	446,921
5020	Overtime	15,000	11,000
5040	Social Security	33,548	34,121
5060	Retirement	30,360	30,614
5080	Workers' Compensation	13,854	13,854
5100	Travel & POV Mileage	280	280
5120	Seminars, Meetings, Workshops	1,200	1,200
5140	Professional Dues and Fees	805	805
5160	Training Courses & Materials	800	800
5180	Accounting Fees	2,160	2,160
5200	Audit Fees	3,560	3,840
5220	Engineering Fees	15,000	15,000
5240	Legal Fees	5,000	5,000
5260	Bond Management Fees	4,100	0
5280	SRLF Management Fees	1,200	4,100
5300	SCDHEC Fees	2,560	2,560
5320	SCDHEC Fines	0	0
5340	Insurance, Health	41,550	46,854
5360	Insurance, Buildings	7,920	7,920
5380	Insurance, Vehicles	4,500	4,500
5400	Insurance, Liability	2,834	2,894
	Insurance, Unemployment	70	0
	Insurance, Underground Tanks	0	0
5420	Surety Bond	375	375
5440	Supplies, Safety Equipment	1,800	1,800
5460	Supplies, Office	3,200	3,200
5480	Office Equip. & Svc. Contracts	2,900	2,900
5500	Supplies, Janitorial	1,450	1,450
5520	Lubricants	3,000	3,000
5540	Supplies, Medical	100	100
5560	Medical, Hepatitis B Vaccine	500	500
5580	Supplies, Operations	500	500
5600	Laboratory, Supplies	9,500	9,500
5620	Laboratory, Equipment Calib.	700	700
5640	Laboratory, Toxicity Analysis	5,000	5,000
5660	Laboratory, Inf./Eff. Analysis	6,600	6,000
5680	Process Chemicals	45,850	45,000
5700	Uniforms	4,760	4,960
5720	Telephone	2,400	2,400

5740	Electricity	317,230	300,000
5760	Water, Plant	1,500	1,600
5780	Water, Pump Stations	1,430	1,500
5800	Fuels	10,000	10,000
5820	Printing and Publications	500	500
5840	Postage	1,510	1,500
5860	Equipment Rentals	1,000	1,000
5900	Advertising	350	350
5920	Miscellaneous	200	200
6000	Misc., UPS, Shipping, Freight	500	500
6020	Misc., Employee Physicals	500	500
6040	Misc., Christmas Dinner	575	575
6060	Misc., Christmas Gifts, Candy	750	750
6080	Sludge Disposal	175,000	175,000
6100	USGS Gaging Station	4,500	4,700
6120	Maint., Vehicles	4,000	4,000
6140	Maint., Off-Road Vehicles	7,000	7,000
6160	Maint., Buildings	3,000	3,000
6180	Maint., Grounds	1,000	1,000
6200	Maint., Pump Stations	25,000	33,500
6220	Maint., Treatment Plant	17,000	15,000
6240	Maint., Outside Contracts	5,000	5,000
6260	Maint., Tools Purchased	2,000	2,000
6280	Maint., Collection System	6,000	6,000
6320	Capital Expenditures	16,000	16,000
6340	Capital Expend., Vehicles	15,000	15,000
6360	Cap. Exp., Safety Equipment	3,000	3,000
	School Dist. Expenditures	31,723	32,856
	Pretreatment Expenditures	78,666	80,670

O & M TOTAL	1,429,789	1,444,509
------------------------	------------------	------------------

SCHOOL DISTRICT PACKAGE PLANTS - BREAKDOWN

4220	School Dist., Salaries	19,089	20,127
4240	School Dist., FICA	1,461	1,540
4260	School Dist., Retirement	1,308	1,379
4280	School Dist., Workers' Comp	330	500
4300	School Dist., Insurance	1,532	1,707
4320	School Dist., Materials	4,000	3,600
4340	School Dist., Uniforms	403	403
4360	School Dist., Travel	3,600	3,600
4380	School Dist., Miscellaneous	0	0
	TOTAL	31,723	32,856

INDUSTRIAL PRETREATMENT PROGRAM - BREAKDOWN

4520	Pretreatment, Salaries	35,628	37,719
4540	Pretreatment, FICA	2,806	2,889
4560	Pretreatment, Retirement	2,511	2,585
4580	Pretreatment, Workers' Comp	550	800
4600	Pretreatment, Insurance	2,571	2,977
4620	Pretreatment, Materials	800	500
4640	Pretreatment, Laboratory	30,000	30,000
4660	Pretreatment, Travel	2,000	2,000
4680	Pretreatment, Miscellaneous	1,800	1,200

TOTAL 78,666 80,670

1340 Contingent Fund **TOTAL 71,506 95,000**

1400 Bond Payment **TOTAL 260,268 0**

1480 SRLF Loan Payment 731,937 731,937

1500 Depreciation Fund 407,166 431,591

TOTAL 1,139,103 1,163,528

6380 Greenfield Project 218,000 78,000

6380 Cane Creek Project 18,000 0

6380 Martins Creek 0 100,000

6380 Plant Electrical Repair 0 234,000

88 Bonds Payoff Total (see Exhibit "A") 0 2,135,937

TOTAL 236,000 2,547,937

GRAND TOTAL 3,136,666 5,250,974

PROJECTED REVENUE SOURCES

A. Sewer Usage Fees 2,106,661 2,074,066

B. Septic Tank Services 56,000 57,000

C. Interest Income 59,400 74,000

D. Industrial Pretreatment 78,666 80,670

E. School Package Plants 31,723 32,856

F. Transfer from Gross Revenue 306,948 383,273

G. Transfer from Depreciation 236,000 412,000

H. Transfer from Expansion Fund 260,268 0

I. Timber Sale 0 0

J. Fuel Tax Rebate 1,000 1,172

88 Bonds Payoff Total (see Exhibit "A") \$1,712,974

Credit from Debt Reserve \$422,963

REVENUE TOTAL 3,136,666 5,250,974

VARIANCE 0 0

EXHIBIT A

Oconee County, South Carolina
Sewer System Revenue Bonds, Series 1988

Funds Settlement Statement for July 1, 1998

Principal maturing on July 1, 1998	\$105,000.00
Principal maturing on July 1, 1999 through July 1, 2010 (to be redeemed on July 1, 1998)	1,915,000.00
Redemption premium @ 2% on redeemed bonds	38,300.00
Accrued interest on outstanding principal to July 1, 1998	77,636.88
Credit for funds on hand in Interest Account (including forthcoming May installment)	-65,473.22
Credit for funds on hand in Principal Account (including forthcoming May installment)	-95,083.33
Credit for funds on hand in Debt Service Reserve Account	-261,518.75
Credit for funds on hand in Proceeds Account	<u>-888.03</u>
Net funds due on or before July 1, 1998 to effect redemption	\$1,712,973.55

OCONEE COUNTY SEWER COMMISSION

RESOLUTION 96-1

WHEREAS, the Oconee County Sewer Commission and the Oconee County Council have determined in 1993 that it was in the best interest of Oconee County to upgrade the Coneross Creek Wastewater Treatment Facilities in order to comply with Federal and State Water Quality Regulations and provide for future economic growth in Oconee County; and

WHEREAS, the Oconee County Sewer Commission acknowledges that these improvements, renovations, and additions were completed at the cost of approximately \$9,000,000, including construction, contingency and a two percent (2%) loan closing fee; and

WHEREAS, a low interest loan was obtained through the South Carolina Budget and Control Board's State Revolving Loan Fund for financing this upgrade; and

WHEREAS, as a condition of the SRF loan, Budget and Control Board officials required the County to commit to increase its sewer rates by at least forty-six percent (46%) no later than July 1, 1995, or such lesser amount as the Board may agree to based on written evidence from the County which shows sufficient revenues will be produced to pay debt service on the SRF loan and meet coverage requirements of the County's 1988 General Bond Ordinance; and

WHEREAS, the County has increased the sewer treatment rates by eighteen percent (18%) in 1994 and seven percent (7%) in 1995 to comply with the conditions of the loan documents; and

WHEREAS, these increases in sewer rates imposed a financial burden on the users of the sewer system significantly; and

WHEREAS, in order to give the sewer users some relief from the increasing sewer treatment fees, the Sewer Commission has studied a means of reducing the debt service payment which comprises approximately thirty-three percent (33%) of the total budget; and

WHEREAS, in order to accomplish this task the Commission intends to recommend a two (2) year plan to set aside and pay the debt service for the 1988 bonds from the impact fee fund, and then retire the bonds after July 1, 1998 from Depreciation funds; and

Oconee County Sewer Commission
Resolution 96-1

WHEREAS, this action will eliminate the bond debt being calculated into the rates for the 1996-97 and 1997-98 budgets, thereby giving the users much needed relief.

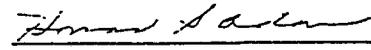
NOW, THEREFORE, BE IT RESOLVED that the Oconee County Sewer Commission in session duly assembled this date, May 6, 1996, that:

The Oconee County Sewer Commission recommends with the adoption of the 1996-97 budget to set aside for 1996-97 the amount of \$256,920 and for 1997-98 the amount of \$260,268 from the impact fee fund to be used to pay the annual payment for the 1988 bonds, and also to recommend the retirement of such bonds on the call date of July 1, 1998.

RATIFIED AND ADOPTED on first and final reading this sixth day of May 1996 by a vote of:

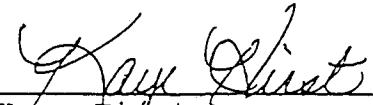
6 :YES

0 :NO



Howard S. Adams
Chairman, OCSC

Attest:



Kaye Hirst
Administrative Assistant, OCSC

FEDDER & CAIN

APR 13 1994

ATTORNEYS AT LAW

339 Bypass 123, P.O. Box 698

Seneca, South Carolina 29679

(803) 882-6608

Facsimile (803) 882-7182

TIMOTHY M. CAIN, P.A.

W. J. FEDDER (OF COUNSEL)

April 12, 1994

Mr. Robert C. Winchester
Oconee County Sewer Commission
623 Return Church Road
Seneca, South Carolina 29678

Re: Request For Opinion

Dear Bob:

This letter is in response to your request for a written opinion concerning whether or not the Sewer Commission is authorized to make reappropriations between line items in order to keep line items from exceeding their allocated amounts.

Your attention is invited to Oconee County Ordinance No. 78-2, which provides for the creation of the Oconee County Sewer Commission. Section 5(b) of this Ordinance states that "the Commission shall be charged with the responsibility of operating the facilities of the Oconee County Wastewater Treatment Program." This section goes on to state that "the Commission shall prepare or cause to be prepared, annually, a budget for the operation of the facilities and of the program, and shall provide Oconee County Council and each of the major users with a copy of such proposed budget in compliance with the contract entered into between the County and the three municipal major users. The Commission will hire the necessary personnel to operate the system, PROVIDED, HOWEVER, all acts of the Commission contractually binding on Oconee County and involving the expenditure of funds and the hiring of personnel shall be subject to review and approval by Oconee County Council.

Enclosed please find a copy of the relevant portions of the Minutes of the October 5, 1993 Meeting of the Oconee County Council which indicates that the Oconee County Council, by a vote of four to one approved the request of the Sewer Commission that the Commission be given authorization to transfer money from the contingency fund within the Sewer Commission Budget when needed and that the Commission be given the authorization to make reappropriations between line items in order to keep line items from exceeding their allocated amounts.

Mr. Robert C. Winchester
April 12, 1994
Page 2

In this regard, inasmuch as the County Council has reviewed and approved the request, I have no objection to the Commission making reappropriations between line items in order to keep line items from exceeding their allocated amounts. However, any changes in the budget must be sent to the Oconee County Council and should also be sent to the Municipalities.

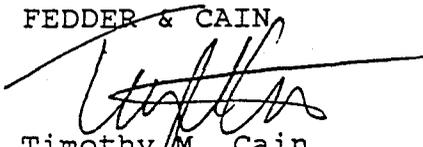
The approval by Council may only apply to the particular budget year in question, which I understand is fiscal year 1993-1994, therefore authorization for such transfer would only extend to that particular budget.

I trust this information sufficiently addresses your inquiry, however if additional information is needed, please do not hesitate to call upon me.

Thanking you for your attention to these matters, I remain,

Sincerely,

FEDDER & CAIN



Timothy M. Cain

TMC/trl

cc: Mr. Howard Adams
Mr. Norman D. Crain

OCONEE COUNTY COUNCIL

ORDINANCE 87-8

SECTION I: TITLE

The title of this ordinance shall be "Oconee County Animal Control Act & Repeal of Ordinance 78-4"

SECTION 2: DEFINITIONS

As used in this ordinance, the following terms are defined below:

2.1: Animal: Every non-human species of animal.

2.2: Animal at large: Any animal not under the restraint of a person capable of controlling the animal and/or off the premises of the owner.

2.3: Animal Shelter shall include any premises designated by the county governing body for the purpose of impounding, care or destruction of animals held under authority of this Ordinance and/or State Law.

2.4: Humane Officer or Animal Control Officer: Any person designated by the State of South Carolina or County Governing Authority of Oconee County as a Law Enforcement Officer pursuant to SC Code of Law 47-3-30.

2.5: Humane Society: South Carolina Society Prevention of Cruelty to Animals.

2.6: Owner: Any person, partnership, or corporation owning, keeping, or harboring one or more animals. An animal shall be declared to be harbored if it is fed for three consecutive days or more.

2.7: Pet or Companion Animal: Any animal kept for pleasure rather than utility; an animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter.

2.8: Abandoned/Stray Animal: Any Animal unattended for a period of more than three (3) days.

2.9: Public Nuisance: Any animal or animals, except those raised for food and/or food products, that unreasonably annoy humans, endanger the live or health of other citizens, other than their owners, to enjoyment of life or property.

The term "Public Nuisance Animal" shall mean and include, but is not limited to any animal that:

- a) is found at large after written complaint has been filed;
- b) damages the property of anyone other than its owner;
- c) molests pedestrians or passersby;
- d) excessively makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other unutterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;

e) causes fouling of the air off the premise of the owner by odor resulting from failure to remove feces every twenty four (24) hours or washing of same into an approved underground disposal system every twenty four (24) hours.

f) attacks other domestic animals; or

g) has been found by the Animal Control Officer after notice to its owner to be a public nuisance animal by virtue of being a menace to the public health, welfare or safety;

h) does not have attached a valid current rabies inoculation tag as required by State Law;

2.10: Under Restraint: Animal shall be deemed under restraint if it is on the premises of its owner or keeper or is accompanied by its owner or keeper and under the physical control of such owner or keeper by means of restraining device, or under the verbal command, or under the active control of the owner or trainer while hunting or being trained and while on property of the owner or with the property owner's permission.

2.11: Vicious Animal: Any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which, because of temperament, conditioning or training, has a known propensity to attack, bite, or injure human beings or domesticated animals.

SECTION 3: AUTHORITY

This ordinance is adopted pursuant to the provisions of Sections 47-3-20, et. seq., Code of Laws of South Carolina, 1986.

SECTION 4: RESTRAINT

4.1: All animals shall be kept under restraint

4.2: No owner shall fail to exercise proper care and control of his dog to prevent him from being a public nuisance.

4.3: Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding.

4.4: Every vicious animal, as determined, shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.

SECTION 5: BITING OR ATTACKING PERSONS

All animal bites or injuries to a human being shall be reported by medical personnel with knowledge of the bite or injury to be rabies control officer in the Health Department. Whenever the Animal Control Officer is notified and shown that an animal has bitten or attacked a person, such office shall promptly notify the Oconee County Health Department of such bite or attack and shall cooperate with the said Health Department in impounding and quarantining such animal.

SECTION 6: IMPOUNDMENT AND VIOLATION NOTICE

6.1: Unrestrained, nuisance and vicious animals, upon receipt of a written complaint signed by the complaintent, shall be taken by Law Enforcement Officials or Animal Control Officers and impounded in the Oconee County Animal Shelter and there be confined in a humane manner.

In addition to, or in lieu of, impounding a dog at large, the animal control officer or lawful constable or deputy sheriff shall issue to the known owner of such dog a notice of ordinance violation. Such notice shall impose upon the owner a warning for a first offense. The owner shall be charged a penalty of twenty five dollars (\$25.00) for the second violation and fifty dollars (\$50.00) for each subsequent violation which may be paid to the Oconee County Treasurer within three (3) days, seventy two (72) hours from the date of issuance in full satisfaction of the assessed penalty. In the event that such penalty is not paid within time period described, a criminal warrant shall be initiated before a magistrate and upon conviction of this ordinance, the owner shall be punished as provided in Section 10 of this ordinance. In addition, the owner shall be required to pay a fee of two dollars (\$2.00) per day for each day the animal is boarded by the County, actual cost for inoculation of the animal (if applicable) and a five dollar (\$5.00) impoundment fee.

6.2: Notwithstanding the above, the Animal Control Officer and/or Law Enforcement Office, may without written complaint impound animals not having a valid current rabies inoculation tag and found off the owner's property.

6.3: Impounded dogs and cats shall not be kept for fewer than five (5) working days.

6.4: If by tag or other means, the owner of an impounded animal can be identified, the Animal Control Officer shall immediately upon impoundment notify the owner by telephone or certified mail.

*Note: Any identifiable animal, not appearing to be abandoned, upon notification of the owner by telephone or certified mail, shall not be kept for fewer than two (2) weeks.

6.5: Abandoned animals shall be impounded and shall be kept for no fewer than five (5) working days.

6.6: Any owner reclaiming an impounded dog or cat shall pay the fee provided for in section 6.1 before the animal may be released.

6.7: Any owner reclaiming an impounded dog or cat shall show proof that the animal is currently inoculated against rebies. If such animal is not currently inoculated against rabies, the owner shall cause the animal to be inoculated at the owner's expense.

6.8: Any animal not reclaimed by its owner within five (5) working days or in the case of a positively identifiable dog, within two (2) weeks, shall become the property of the local government authority and shall be placed for adoption in a suitable home or humanely disposed of as approved by State Law.

6.9: The Shelter Director shall keep complete and accurate records of the care, veterinary treatment and disposition of all animals impounded at the shelter.

6.10: It shall be unlawful for any person to release or take out of impoundment any animal without proper authority.

6.11: It shall be unlawful to resist animal shelter personnel engaging in the capture and impoundment of an animal.

6.12: It shall be unlawful to remove the rabies tag from the dog for which the tag was issued.

SECTION 7: ANIMAL CARE

7.1: No owner shall fail to provide for his animals with necessary substance or shelter, veterinary care when needed to prevent suffering and humane care and treatment.

7.2: No owner of an animal shall abandon such animal.

7.3: Any animal found abandoned and not properly cared for, appearing to be diseased or injured past recovery for any useful purpose, may be lawfully destroyed by any agent of DHEC, Law Enforcement Officer or Officer of the Humane Society by a method described in Section 6 of this chapter.

SECTION 8: STERILIZATION

No unclaimed dog or cat shall be released for adoption without written agreement by means of a spay/neuter contract from the adopter guaranteeing that such animal will be sterilized within thirty (30) days for adults and a specified date in the contract for pups and kittens, provided however, the county provides a program whereby the spay/neuter is included with the adoption fee.

SECTION 9: ENFORCEMENT

The civil and criminal provisions of this ordinance shall be enforced by those persons or agencies by the county authority. It shall be a violation of this ordinance to interfere with an Animal Control Officer in the performance of his/her duties.

SECTION 10: PENALTIES

Any person violating any provision of this ordinance shall be deemed guilty of a misdemeanor and shall for every offense, be guilty of a misdemeanor and be punished by imprisonment in jail not exceeding thirty (30) days or by a fine not exceeding one hundred dollars (\$100.00).

SECTION 11: CONFLICTING ORDINANCES

All other ordinances of the County of Oconee that are in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 12: SEVERABILITY CLAUSE

If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not effect the remaining parts of this ordinance.

RATIFIED & ADOPTED on first reading this 18th day of August, 1987 by a vote of 5 Yes, 0 No.

Opal O. Green, Clerk

RATIFIED & ADOPTED on second reading this 15th day of September, 1987 by a vote of 4 Yes, 0 No.

Opal O. Green, Clerk

RATIFIED & ADOPTED on third and final reading this 6th day of October, 1987 by a vote of 5 Yes, 0 No.

Norman D. Casin
Supervisor-Chairman
Oconee County Council

Attest:

Opal O. Green, Clerk

OCONEE COUNTY COUNCIL

ORDINANCE 88-4

"THIS ORDINANCE SHALL BE KNOWN AS AN ORDINANCE TO AMEND
ORDINANCE 87-8, ANIMAL CONTROL ORDINANCE"

SECTION I: THIS ORDINANCE SHALL AMEND SECTION
6 & 2 OF ORDINANCE 87-8 TO READ AS FOLLOWS:

6.3A: Impounded stray dogs and cats shall be kept no fewer
than five (5) working days.

6.3 B: Impounded owner released dogs and cats shall be
kept no fewer than five (5) working days unless the following
situations apply:

- (a) The dog or cat is adopted
- (b) The dog or cat because of age, health of temperament
would not be a suitable pet as determined by the Animal
Shelter Manager with the advise and consent of the
Humane Society Representative
- (c) The dog or cat is released to a Humane Society Foster
Home
- (d) Health animals whose adoptability is in question shall
be given forty-eight (48) hours to adjust, then
disposition shall be determined by the Animal Shelter
Manager with the advise and consent of the Humane
Society Representative

SECTION II: DEFINITION ADDITIONS:

2.12: Foster Home: An animal that is released to the Humane
Society on a temporary basis until an adoption can
be made

2.13: Owner Released Animal: An animal brought into the
the shelter whose owner has signed a statement
giving up all rights to that animal

RATIFIED & ADOPTED, on first reading this nineteenth day of April,
1988 by a vote:

4 :YES 0 :NO

Opal O. Green
Council Clerk

RATIFIED & ADOPTED, on second reading this third day of May,
1988 by a vote of:

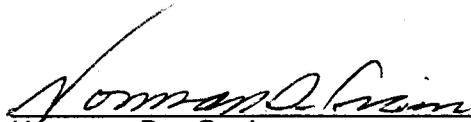
4 :YES 0 :NO

Opal O. Green
Council Clerk

RATIFIED & ADOPTED, on third and final reading this seventeenth day of May, 1988 by a vote of:

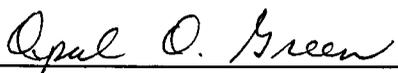
4

0



Norman D. Crain
Supervisor-Chairman
Oconee County Council

Attest:


_____, Clerk

TITLE: NOISE CONTROL ORDINANCE

SECTION 1: DECLARATION OF NUISANCE AND PROHIBITIONS

1. Any unreasonably loud, disturbing, or unnecessary noise which causes material distress, annoyance, discomfort, endangerment, or injury to a person of ordinary sensibilities in the immediate vicinity thereof is hereby declared to be a nuisance and is hereby prohibited.

2. Any noise of such character, intensity, and continued duration which substantially interferes with the comfortable enjoyment of private homes by persons of ordinary sensibilities is hereby declared a nuisance and is hereby prohibited.

SECTION 2: ILLEGALITY

For purposes of this section, "person" means any individual, partnership, association, corporation, or joint venture.

1. It shall be unlawful for any person to create or continue, or cause to be created or continued any such nuisance.

2. It shall be unlawful for any person, whether present or not, to allow or permit the creation or continuance of any such nuisance at or on the premises over which such person has dominion or control.

3. It shall be unlawful for any person to interfere with or obstruct any duly constituted law enforcement officer in the performance of his/her duties while enforcing the provisions of this ordinance.

SECTION 3: ENUMERATION OF SPECIFIC ACTS

The following acts, among others, are declared to be nuisances in violation of this section, but such enumerations shall not be exclusive.

1. Musical instruments, radios, phonographs, etc.

The using, playing, or operating or permitting the use, play, or operation of any musical instrument, radio, phonograph, cassette player, compact disc player, television set, or other machine or device for the producing or reproducing of sound in such a manner or with such volume as to disturb the peace, quiet, comfort, and repose of persons nearby.

2. Loudspeakers and amplifiers.

The use of loudspeakers or amplifiers in such a manner or with such volume as to disturb the peace, quiet, comfort, and repose of persons of ordinary sensibilities in the immediate vicinity thereof.

3. Yelling, shouting, etc.

Yelling, shouting, hooting, or making or causing to be made any loud, boisterous, and unreasonable noise which disturbs other persons of ordinary sensibilities in the immediate vicinity thereof.

4. Operation of vehicles.

The running of any automobile, motorcycle or other vehicle so out of repair, so loaded, or in such a manner as to create excessively loud noise or unnecessary grating, grinding, jarring, rattling or vibrating noise; the racing of any motor vehicle engine while such vehicle is not in motion, except when necessary to do so in the course of repairing, adjusting or testing the same between the hours of 7:00 a.m. and 10:00 p.m..

5. Horns and other signal devices on vehicles.

The sounding of a vehicle horn or signal device except as a danger or warning signal; the continued or frequent sounding of any vehicle horn or signal device for an unnecessary or unreasonable period of time.

6. Construction work.

The erection, excavation, demolition, renovation, alteration, or repair work on any building or building site, or the clearing of any tract of land between the hours of 10:00 p.m. and 6:00 a.m. which results in excessive and disturbing noise, except in cases of urgent necessity in the interest of public convenience or safety.

7. Fireworks and other explosive devices.

Fireworks which are detonated within the exterior property line and in close proximity to a dwelling or occupied structure without consent of the person in control of the premises; detonation of carbide cannons, black powder or smokeless powder devices, or any explosive device or compound which when detonated causes a report which exceeds that caused by lawfully acquired fireworks and which disturbs the public peace. This ordinance shall not apply to lawfully acquired fireworks which are detonated on the Fourth of July, Christmas Day or New Year's Day.

8. Near schools, churches, and hospitals.

Any excessive noise in the vicinity of a church, school, other institution of learning, or court of law while the same is in session or near any hospital, rest home, nursing home, or residential care center which unreasonably interferes with the working of such institution(s) or which unduly disturbs patients, residents, students and/or those in attendance at such institutions.

9. Firearms.

The shooting of firearms which substantially interferes with the comfortable enjoyment of private homes by persons of ordinary sensibilities in the immediate vicinity thereof.

SECTION 4: EXCEPTIONS

This ordinance does not apply to noise emanating from industrial and manufacturing operations, governmental activities, airports and aircraft, railways, emergency signal devices, firearms discharges as a result of lawful game hunting, agricultural activities, parades, carnivals, school band practice or performances, and school or government sponsored athletic events.

Additionally, this ordinance does not apply to noise between the hours of 7:00 a.m. - 10:00 p.m. which emanates from lawn and yard maintenance activities, tree harvesting or clearing, or explosives for construction and land clearing.

Any lawful business operating as of the date of this Ordinance that is not in compliance with this Ordinance and does not fall under exceptions set out in this Ordinance shall have six (6) months from the date of this Ordinance to come into compliance with this ordinance.

Any lawful business or activity operating as of the date of this Ordinance that is not in compliance with this Ordinance and does not fall under exceptions set out in this Ordinance will nevertheless be considered to be in compliance with this Ordinance if said lawful business or activity has existed or occurred on or at its present location and made noise that is not in compliance with this Ordinance prior to the complaining party moving to an area that is affected by the noise.

SECTION 5: ENFORCEMENT

The Oconee County Sheriff's Department or any duly constituted law enforcement officer will enforce the provisions of this Ordinance. After receiving a complaint and upon a finding by the officer of a violation, or upon the occurrence of a violation in the officer's presence which would be in the public interest to quell, the officer may take any one of the following actions:

1. Warn the offender who will have the opportunity to immediately abate the offending noise without penalty. If the violation continues or reoccurs, the officer may cite or arrest the violator.
2. Issue a courtesy summons to appear in magistrate's court.
3. Make a custodial arrest.

Officers may consider the following factors, among others, when deciding the appropriate method of enforcement:

- number of citizen complaints.
- proximity and density of nearby dwellings or other occupied structures or areas.
- prior complaints regarding the same offender or same location.

- cooperation of violator and likelihood of compliance.
- nature and volume or intensity of noise.
- time of day.

In addition, private citizens may petition an Oconee County Magistrate for an arrest warrant for violations of this Ordinance.

SECTION 6: PENALTIES

Any person violating any provision of this ordinance shall be deemed guilty of a misdemeanor and shall for every offense be punished by imprisonment in jail not exceeding thirty (30) days or by a fine not exceeding five hundred dollars (\$500.00), or both. Each day on which there is any violation of this Ordinance shall constitute a separate and distinct violation and offense.

SECTION 7: SEVERABILITY

If any word, term, provision or section hereof is determined to be unconstitutional or otherwise invalid by a court of competent jurisdiction, the remaining terms, provisions or sections shall not be affected thereby and shall remain in full force and effect.

SECTION 8: EFFECTIVE DATE

This ordinance shall become effective upon third and final reading.

APPROVED AND ADOPTED ON FIRST READING IN TITLE ONLY

this _____ day of _____, 1998 by a vote of _____ yes to _____ no.

COUNCIL CLERK

APPROVED AND ADOPTED ON SECOND READING this _____ day of

_____, 1998 by a vote of _____ yes to _____ no.

COUNCIL CLERK

APPROVED AND ADOPTED ON THIRD AND FINAL READING

this _____, day of _____, 1998 by a vote of _____ yes to _____ no.

SUPERVISOR-CHAIRMAN
OCONEE COUNTY COUNCIL

ATTEST: _____

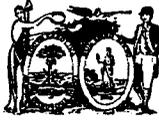
COUNCIL CLERK

David M. Beasley, Chairman
Governor

Richard A. Eckstrom
State Treasurer

Earle F. Morris, Jr.
Comptroller General

South Carolina Retirement Systems



Robert C. Toomey
Director

John Drummond
Chairman,
Senate Finance Committee

Henry E. Brown, Jr.
Chairman,
Ways and Means Committee

Luther F. Carter
Executive Director

JUN 11 1998

1-800-868-9002
(803) 737-6800

FAX (803) 737-6810

June 01, 1998

MS KAY OLBON
OCONEE COUNTY BD OF COMMISSIONERS
208 BOOKER DRIVE
WALHALLA SC 29691

Employer Code No: **737.02**

RE: Invoice Num 7370200012 1 11
Invoice Amt: 1,156.80

Member: SSN:249-58-6403 Name: WILLIAM H FRADY
Type of Service: NON-MEMBER Service

Please forward the employer contribution payment of \$1,156.80 to the South Carolina Retirement Systems within fifteen working days from the date this letter.

If you should have any questions, please contact the Accounting Department at (803) 737-6891.

D H E C



PROMOTE PROTECT PROSPER

2600 Bull Street
Columbia, SC 29201-1708

June 12, 1998

CERTIFIED MAIL
Z 234 901 439

Mr. Tim Cain, Esq.
P.O. Box 698
Seneca, South Carolina 29679

RE: OFFICIAL CONSENT ORDER
SENECA C&D LANDFILL (#371001-1201)
OCONEE COUNTY

Dear Mr. Cain:

Please find enclosed, an official Consent Order concerning violations cited therein. Review the Order carefully and, if acceptable, obtain the appropriate signatures on Page 3 in the space provided for the County. After signing, please return all three (3) pages of the document to this office in order that Department signatures may be obtained. Once all Department signatures have been secured, a copy of the fully executed Order will be sent to you for your records.

If you have any questions regarding this matter, please telephone me at (803) 896-4148.

With kindest regards,

Rudy M. Curtis
Solid Waste Enforcement Section
Bureau of Land and Waste Management

RMC:rmc
Enclosure

**IN THE STATE OF SOUTH CAROLINA
BEFORE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

**IN RE: SENECA CONSTRUCTION, DEMOLITION AND LAND-CLEARING
DEBRIS LANDFILL (#371001-1201)
OCONEE COUNTY**

**CONSENT ORDER
98 - - SW**

Oconee County (the "County") is responsible for the operation and maintenance of the Seneca Construction, Demolition and Land-Clearing Debris Landfill (the "Landfill"). The Landfill operates under Permit No. 371001-1201 issued by the South Carolina Department of Health and Environmental Control (the "Department"). The Department and the County enter into this Consent Order to resolve the issues presented herein.

FINDINGS OF FACT

1. The Landfill is located at the intersection of Strawberry Farm Road and Wells Highway near Seneca, South Carolina. The Department issued the current operating permit for the Landfill on April 29, 1994. This permit was last modified on August 9, 1996.
2. In a September 8, 1997, letter, Goldie & Associates, private engineering consultants representing the County, informed the Department that since the beginning of 1994, the County had: (1) placed waste outside the permitted vertical and horizontal boundaries for the Landfill; and, (2) exceeded the annual disposal rate allowed by the permit for the Landfill.
3. A Notice of Violation and Enforcement Conference was issued on December 3, 1997, and the enforcement conference to discuss the alleged violations was held on January 13, 1998. Information was presented during the conference which indicated that the alleged exceedance of the annual tonnage limit was the direct result on unforeseen events for which the County had no control, e.g., tornado debris. Such tonnage limit exceedance is exempt under state regulations.
4. The Landfill is the only permitted C&D landfill in the County. Closure of the Landfill would likely cause the proliferation of open dumps within the County and impose hardship upon its citizens and residents. The County submitted a request for a permit modification involving a lateral expansion of the Landfill on February 6, 1998. The Department has not completed a review of the requested lateral expansion. Therefore, the County has requested that it be allowed to move into the lateral expansion while the permit modification review process is being completed by the Department to include any subsequent appeal(s) to the Department's decision on the requested modification. The Construction,

Demolition and Land-Clearing Debris Landfills Regulation requires that the Landfill, including any lateral expansion, be in total compliance with the Regulation prior to accepting waste which includes possessing a valid operating Department permit for the site.

CONCLUSIONS OF LAW

From the above facts, the Department alleges that the County at the Landfill has violated the following:

South Carolina Solid Waste Policy and Management Act of 1991,

44-96-290(A) in that, "No person shall operate a solid waste management facility without a permit from the department."

Construction, Demolition and Land-Clearing Debris Landfills Regulation, R.61-107.11,

Section B(1) in that, "Prior to the construction, operation, expansion or modification of a landfill, a permit shall be obtained from the Department."

The Department accepts disclosure of these violations under the South Carolina Environmental Audit Privilege and Voluntary Disclosure Act of 1996, South Carolina Code (1976) Ann. Section 48-57-100.

NOW, therefore it is ordered with the consent of the County, and pursuant to the Solid Waste Policy and Management Act of 1991, South Carolina Code (1976) Ann. Sections 44-96-260 and 44-96-450 and The South Carolina Environmental Audit Privilege and Voluntary Disclosure Act of 1996, South Carolina Code (1976) Ann. Section 48-57-100, that the County shall, with regard to the Landfill:

1. Comply with the Solid Waste Policy and Management Act of 1991 and the Construction, Demolition and Land-Clearing Debris Landfills Regulation, R.61-107.11.
2. Pay to the Department a civil penalty in the amount of three thousand dollars (\$3,000.00) for the violations cited herein; provided, however, that the penalty shall, pursuant to South Carolina Code (1976) Ann. Section 48-57-100 be suspended upon satisfactory compliance with the terms of this Order. Upon written notice from the Department that any requirement of this fully executed Order has not been complied with, the civil penalty shall be immediately due and payable.

Inasmuch as closure of the Landfill could potentially have a detrimental effect on human health and the environment, the County is hereby authorized to continue to dispose of waste in the Landfill consistent with the Regulation and the February 6, 1998, permit modification request, provided that all disposal is limited to areas not impacted by the 1000 foot buffer requirement unless proper waivers are obtained from the relevant

property owners regarding such buffers. This interim approval to operate the Landfill shall terminate sixty (60) days after a final decision is rendered on the aforementioned permit modification request. The term "final decision" for purposes of this Order, shall mean a final adjudication by a court of competent jurisdiction which is not appealable to a higher court.

IT IS FURTHER ORDERED that failure to meet deadlines established herein or any other violation of the provisions of this Order may be deemed a violation by the Department of the South Carolina Solid Waste Policy and Management Act of 1991. Upon ascertaining any such violation, the Department may initiate action to obtain compliance with both this Agreement and the Act.

THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Date: _____ By: _____

Columbia, South Carolina

Douglas E. Bryant,
Commissioner

With Consent:

Oconee County

_____ Date: _____

_____ Date: _____

SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

_____ Date: _____

Hartsill W. Truesdale, P.E., Chief
Bureau of Land and Waste Management

_____ Date: _____

Approved by: Legal Office