



OCONEE COUNTY COUNCIL

SPECIAL MEETING

5:00 P.M., Tuesday, October 16, 2018

Council Chambers

Oconee County Administrative Offices

415 South Pine Street, Walhalla, South Carolina 29691

A special meeting of the Oconee County Council will be held at 5:00 p.m., Tuesday, October 16, 2018 concurrently with the Oconee County Council's Law Enforcement, Public Safety, Health and Welfare Committee (the "Committee") meeting, in that member(s) of Council who are not on the Committee plan to attend and participate in the Committee's regularly scheduled meeting.

[This agenda is not inclusive of all issues which Council may bring up for discussion at this meeting.]

*The public is invited to attend the meeting however an opportunity for public comment **will not** be offered at this meeting.*

Oconee County Council & Committee meeting schedules and agendas are posted at the Oconee County Administration Building and are available on the County Council Website www.oconeesc.com/council.html
[All upcoming meetings will be held in Council Chambers unless otherwise noted]

Council's meetings shall be conducted pursuant to the South Carolina Freedom of Information Act, Council's Rules and the Model Rules of Parliamentary Procedure for South Carolina Counties, latest edition. This agenda may not be inclusive of all issues which Council may bring up for discussion at this meeting. Items are listed on Council's agenda to give public notice of the subjects and issues to be discussed, acted upon, received as information and/or disposed of during the meeting. Items listed on Council's agenda may be taken up, tabled, postponed, reconsidered, removed or otherwise disposed of as provided for under Council's Rules, and Model Rules of Parliamentary Procedure for South Carolina Counties, latest edition, if not specified under Council's rules.



A G E N D A
LAW ENFORCEMENT, PUBLIC SAFETY,
HEALTH & WELFARE COMMITTEE MEETING
October 16, 2018
5:00 PM

County Council Chambers, Oconee County Administrative Offices
415 South Pine Street, Walhalla, SC

1. Call to Order

2. Approval of Minutes

- October 9, 2018

3. Presentation regarding Solid Waste Ordinance & Animal Control Ordinance – Ms. Edda Cammick

4. Discussion Items:

- **Discussion of Solid Waste Disposal fees**
- **Discussion regarding the proposed Animal Control Ordinance**

5. Other Business

[to include Vote and/or Action on matter brought up for discussion, if required]

6. Adjourn

There will not be a scheduled opportunity for public to comment at this meeting.

[This agenda is not inclusive of all issues which the Committee may bring up for discussion at this meeting.]

Assisted Listening Devices [ALD] are available to accommodate the special needs of citizens attending meetings held in Council Chambers.

ALD requests should be made to the Clerk to Council at least 30 minutes prior to the meeting start time.

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**STATE OF SOUTH CAROLINA
COUNTY OF OCONEE
ORDINANCE 2018-16**

**AN ORDINANCE REWRITING, REVISING, AND AMENDING
CHAPTER 28 OF THE OCONEE COUNTY CODE OF
ORDINANCES, REGARDING SOLID WASTE
MANAGEMENT; AND OTHER MATTERS RELATED
THERETO.**

WHEREAS, consistent with the powers granted county governments by S.C. Code § 4-9-25 and S.C. Code § 4-9-30, Oconee County ("County"), a body politic and corporate and a political subdivision of the State of South Carolina, acting by and through its governing body, the Oconee County Council (the "County Council"), has the authority to enact regulations, resolutions, and ordinances, not inconsistent with the Constitution and the general law of the State of South Carolina, including the exercise of such powers in relation to health and order within its boundaries and respecting any subject as appears to it necessary and proper for the security, general welfare, and convenience of the County or for preserving health, peace, order, and good government therein; and,

WHEREAS, the County has adopted multiple ordinances for the effective, efficient governance of the County, which, subsequent to adoption, are codified in the Oconee County Code of Ordinances (the "Code of Ordinances"), as amended; and,

WHEREAS, County Council recognizes that there is a need to revise the law of the County to meet the changing needs of the County and that there is a need to rewrite, revise, and amend all of Chapter 28 of the Code of Ordinances by establishing a new "Solid Waste Management Ordinance"; and,

WHEREAS, this Ordinance is authorized by the South Carolina Solid Waste Policy and Management Act of 1991, S.C. Code § 44-96-10, et seq., as well as S.C. Code § 4-9-25, S.C. Code § 4-9-30, S.C. Code § 16-11-700, S.C. Code § 44-55-1010, et seq., and other applicable state and federal statutory, decisional, and regulatory law; and,

WHEREAS, this Ordinance is intended to be the new Solid Waste Management Ordinance of Oconee County, repealing all ordinances, orders, resolutions, and actions of County Council inconsistent herewith and/or which were previously codified in Chapter 28 of the Code of Ordinances, including specifically Ordinances 1980-12 and 1982-08, and affirming and preserving all other provisions of the Code of Ordinances not specifically, or by implication, amended hereby.

NOW, THEREFORE, it is hereby ordained by the Oconee County Council, in meeting duly assembled, that:

1. Chapter 28 of the Code of Ordinances is hereby rewritten, revised, and amended to read as set forth in Attachment A, which is attached hereto and incorporated herein by reference. Attached hereto as Attachment B is a version of Chapter 28 showing the provisions of the former Chapter 28 that have been carried over to this new ordinance, in one form or another; it is for illustrative purposes only, and shall not be codified.

2. Should any part or provision of this Ordinance be deemed unconstitutional or unenforceable by any court of competent jurisdiction, such determination shall not affect the rest and remainder of this Ordinance, all of which is hereby deemed separable.

3. All ordinances, orders, resolutions, and actions of County Council inconsistent herewith are, to the extent of such inconsistency only, hereby repealed, revoked, and rescinded.

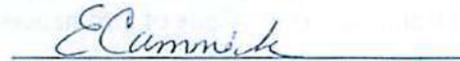
4. All other terms, provisions, and parts of the Code of Ordinances, not amended hereby, directly or by implication, shall remain in full force and effect.

5. This Ordinance shall take effect and be in full force and effect from and after third reading and enactment by County Council.

ORDAINED in meeting, duly assembled, this 17th day of July, 2018.

ATTEST:


Katie D. Smith
Clerk to Oconee County Council


Edda Cammick
Chair, Oconee County Council

First Reading: June 5, 2018
Second Reading: June 19, 2018
Third Reading: July 17, 2018
Public Hearing: July 17, 2018

ORDINANCE 2018-16

ATTACHMENT A

Section 1. PURPOSE

This Chapter authorizes and provides for solid waste management in Oconee County, South Carolina ("County"); establishing powers and duties in connection therewith; establishing standards and requirements for the handling of Solid Waste, as defined herein; providing for the enforcement of these requirements; and imposing penalties for failure to comply with these provisions.

This Chapter is drafted for the benefit of the citizens of the County, both present and future. The County recognizes that a clean, safe, and attractive environment is important to the health and welfare of all County inhabitants.

Section 2. AUTHORITY

- (a) This Chapter is authorized by the South Carolina Solid Waste Policy and Management Act of 1991, S.C. Code § 44-96-10 et seq., as well as S.C. Code § 4-9-25, S.C. Code § 4-9-30, S.C. Code § 16-11-700, S.C. Code § 44-55-1010, et seq., and other applicable state and federal statutory, decisional, and regulatory law.
- (b) The Director of the Oconee County Solid Waste Department may publish rules and regulations that are in addition, but not contrary, to the provisions of this Chapter. All such rules and regulations must be approved by the County Administrator and shall be maintained in the "Oconee County Solid Waste Operational Manual" or "Operational Manual" which shall be made available to the public at the Oconee County Solid Waste Complex, 15028 Wells Hwy, Seneca, SC 29678, and which may also be found at <http://www.oconeesc.com/departments/kz/solidwaste.aspx>. The rules and regulations contained in the Operational Manual shall only address administrative matters and not assume any legislative powers, which are expressly reserved to the Oconee County Council.

Section 3. JURISDICTION

This Chapter applies to all unincorporated areas of the Oconee County, and to any other areas under its jurisdiction by intergovernmental agreement, operation of law, or otherwise.

Section 4. DEFINITIONS

- (a) Any term not specifically defined in this section shall be construed pursuant to its plain and ordinary meaning. The word "shall" is always mandatory and not merely discretionary.

- (b) **"Bulky Solid Waste"** means large items of solid waste such as furniture, large auto parts, and other oversized items whose large size precludes or complicates their handling by normal solid waste collection, processing, or disposal methods.
- (c) **"Collector"** means any Person or entity engaged in the business of collecting, transporting, and/or disposing of Solid Waste within the County and which is licensed, or required to be licensed, by the Oconee County Solid Waste Department for such activities.
- (d) **"Commercial Solid Waste"** means Solid Waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing entities or activities, excluding Residential and Industrial Solid Waste.
- (e) **"County Council"** means the Oconee County Council.
- (f) **"County"** means Oconee County, South Carolina.
- (g) **"DHEC"** means the South Carolina Department of Health and Environmental Control, a governmental agency responsible for public health and the environment in the State of South Carolina.
- (h) **"Department"** means the Oconee County Solid Waste Department.
- (i) **"Director"** means the Director of the Oconee County Solid Waste Department.
- (j) **"Garbage"** means all putrescible waste, including animal offal and carcasses, and recognizable industrial by-products, but excluding sewage and human waste.
- (k) **"Hazardous Waste"** means any waste, or combination of wastes, of a solid, liquid, contained gaseous, or semisolid form which because of its quantity, concentration, or physical, chemical, or infectious characteristics may in the judgment of the Department:
 - (1) cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or
 - (2) contain (i) any "hazardous substance" as now or hereafter defined in § 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. § 9601 et seq.) ("CERCLA") or any regulations promulgated under CERCLA; (ii) any "hazardous waste" as now or hereafter defined in the Resource Conservation and Recovery Act (42 U.S.C. § 6901 et seq.) ("RCRA") or regulations promulgated under RCRA; (iii) any substance regulated by the Toxic Substances Control Act (15 U.S.C. § 2601 et seq.); (iv) gasoline, diesel fuel, or other petroleum hydrocarbons; (v) polychlorinated biphenyls; or (vi) radon gas.
- (l) **"Industrial Waste"** means Solid Waste that results from industrial / manufacturing processes including, but not limited to, those of factories and treatment plants.
- (m) **"Litter"** means all Solid Waste which is not stored in secure Solid Waste receptacles, meeting standards established herein and by the County Litter Control Ordinance, or which is otherwise not disposed of in a manner provided by law.
- (n) **"Person"** means an individual, corporation, company, association, partnership, unit of local government, state agency, federal agency, or other legal entity.

- (o) **"Putrescible Waste"** means Solid Waste that contains organic matter capable of being decomposed by microorganisms and of such a character and proportion as to be capable of creating foul smelling odors and attracting or providing food for animals.
- (p) **"Recyclable Materials"** means those materials which are capable of being recycled which would otherwise be processed or disposed of as Solid Waste.
- (q) **"Recycling"** means any process by which Recyclable Materials are collected, separated, processed, and reused or returned to use in the form of raw materials or products.
- (r) **"Refuse"** means all non-putrescible waste.
- (s) **"Residential Waste"** means Solid Waste generated by a single family residence, excluding Commercial and Industrial Solid Waste.
- (t) **"Single Family Residence"** means premises used for or designated as a single-family residential dwelling, including each dwelling unit contained within a (a) condominium structure; (b) duplex, triplex, etc.; (c) townhouse structure; or (d) mobile home park.
- (u) **"Sludge"** means any solid, semisolid, or liquid waste generated from a municipal, commercial, institutional, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility, or any other waste having similar characteristics and effects.
- (v) **"Solid Waste"** means any Garbage, Refuse, Sludge, and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, residential, mining, and agricultural operations and from community activities. This term does not include solid or dissolved material in domestic sewage, recovered materials, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to NPDES permits under the Federal Water Pollution Control Act, as amended, or the Pollution Control Act of South Carolina, as amended, or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended. Also excluded from this definition are the application of fertilizer and animal manure during normal agricultural operations and Refuse as defined and regulated pursuant to the South Carolina Mining Act, including processed mineral waste, which will not have a significant adverse impact on the environment.
- (w) **"Solid Waste Management System"** means all facilities, activities, and actions, including monitoring and regulating, deemed necessary by County Council and executed primarily by the Department to manage Solid Waste, including collection, transportation, treatment, and disposal.
- (x) **"Used Tire Dealer"** means any commercial entity that sells used tires.
- (y) **"Waste Tire"** means a tire that is no longer suitable for its original intended purpose.
- (z) **"Waste Tire Collection Facility"** means a permitted facility or a facility exempted from permit requirement, used for the temporary storage of waste tires.
- (aa) **"Yard Waste"** means Solid Waste consisting solely of vegetative matter resulting from landscaping maintenance.

Section 5. THE OCONEE COUNTY SOLID WASTE DEPARTMENT

- (a) The Oconee County Solid Waste Department shall operate the County's Solid Waste Management System, and shall include the employees of the County who manage the disposal, recycling, transfer, transportation, and other operations involved in the management of Solid Waste.
- (b) The Department shall operate under the direction of the Solid Waste Director, who shall report to the County Administrator.

Section 6. COLLECTORS

- (a) Licensing and Fees.
 - (1) All Collectors must obtain and maintain a County license for operation, along with any other required local, state, and federal licenses and decals before collection and disposal of any Solid Waste at an approved County Facility.
 - (2) County license fees for Collectors of the various categories of Solid Waste shall be established by County Council and posted at the Oconee County Solid Waste Complex, 15028 Wells Hwy, Seneca, SC 29678, and may also be found at www.oconeesc.com/departments/kz/solidwaste.aspx.
 - (3) Any Collector of Solid Waste shall dispose of such Solid Waste only at the designated and appropriate County Facility, or at such other site as approved by DHEC.
 - (4) Each Collector shall furnish to the Department maps of proposed and/or established routes for which licensure or re-licensure is requested. Such maps shall include the proposed number of residential customers and such other information as deemed necessary by the Department.
 - (5) Each licensed Collector shall be required to attest in writing that it has read this Chapter and all rules and regulations promulgated by the Department and agrees to abide by them. Failure to abide by this Chapter and/or the rules and regulations shall be cause for revocation of a Collector's license. Any licensed Collector who shall discontinue an approved route shall notify the Director of the intention to discontinue such route at least sixty (60) days prior to the date set for discontinuance, except in the event of death, providential disaster, or exception granted by the County Council.
- (b) Collector's Vehicles.
 - (1) All vehicles used to collect, transport, and dispose of Solid Waste in the County must prominently display a decal, which shall be purchased from the Department, indicating the vehicle is licensed to collect waste within the County.
 - (2) Every vehicle used for transportation of Solid Waste shall be equipped with a hauling body which shall be reasonably watertight. The vehicle must also be equipped with a tarp, canvas, or other Department-approved device capable of ensuring no loss of any collected waste. Failure to comply with either of these requirements constitutes a per se violation of this Chapter.

- (3) Every vehicle used for the collection of Solid Waste shall at all times be kept properly maintained. Every vehicle shall carry a legend on the side wall of the hauling body with a minimum of two-inch lettering, which shall include:
 - a. The name of the Collector;
 - b. The address of the Collector; and,
 - c. The Collector's telephone number.

(c) Collection.

- (1) The Collector shall not dent, bend, punch holes in or otherwise damage the container provided by the individual Solid Waste generator and shall empty, recover, and return the container to the designated collection place.
- (2) Collectors shall be subject to a penalty for depositing mixed Residential and Commercial and/or Industrial Solid Waste at any facility.

Section 7. OCONEE COUNTY DISPOSAL FACILITIES

(a) General Provisions.

- (1) The County-owned facilities ("County Facilities") described in this Section may be used for the disposal of Solid Waste by any Person who is an inhabitant of the County. Solid Waste shall be disposed of at the appropriate County Facility, as outlined below, and in a manner consistent with all procedures published by the Department. The Director or his designee shall have the authority to require proof of proper Solid Waste disposal methods from businesses and commercial establishments.
- (2) All County Facilities shall be under the supervision of the Director, in accordance with the rules and regulations published by the Department and DHEC, along with the ordinances of the County Council.
- (3) It shall be unlawful for any Person to loiter or trespass at any County Facility, or to come thereon except for the transaction of business during normal operating hours. No Person shall scatter, probe through, scavenge, interfere with, or disturb Solid Waste or any other item located at any County Facility.
- (4) Depositing Solid Waste in undesignated or inappropriate areas at, or around, any County Facility is strictly prohibited.
- (5) The use of County-owned equipment, in any manner, to remove or otherwise handle Solid Waste from a vehicle that is not County-owned or by a Person that is not an employee of the County, is strictly prohibited.
- (6) No burning item, flammable solution, explosive, hot ash, or similar item shall be placed in, around, or near any of the equipment provided for Solid Waste collection and/or storage.
- (7) Sewage solids or liquids, septic tank waste; unstable, flammable, or inflammatory substances; animals or carcasses; hazardous or potentially hazardous substances; or

any solid deemed inappropriate by the Director or designee may not be disposed at any County Facility.

- (8) Materials that are suitable for mulching shall only be disposed of at the County Mulching Yard. All customers will be charged the current landfill tipping fee for *mixed loads*.
- (9) All loads are subject to inspection by the Department. No unacceptable Solid Waste shall be unloaded at a County Facility. Any unacceptable Solid Waste unloaded at a County Facility shall be considered litter and shall be removed at the owner's expense. Such owner may be subject to other fees and penalties set forth in this Chapter and/or the County's Litter Control Ordinance.
- (10) All patrons of County Facilities must exit the facilities prior to the posted closing times.
- (11) Pets, of any nature, are prohibited from entering any County Facility. Service animals are not considered pets.

(b) Construction and Demolition Landfill.

- (1) This facility receives only such Solid Waste as is listed in S.C. Code Ann. Regs. 61-107.19 Appendix I "Acceptable Waste for Class Two Landfills." Acceptable wastes may be generated by construction, demolition, land-clearing, industrial, and/or manufacturing activities, and/or obtained from segregated Commercial Solid Waste. Any materials listed in Appendix I that have been contaminated by any hazardous constituent listed in the S.C. Hazardous Waste Management Regulations 61-79.261, or petroleum products, are prohibited from disposal at this facility.
- (2) Signs shall be posted at all entrance roads to the County landfills clearly specifying the days and hours of operation. Oconee County staff shall be at landfills during operating hours to supervise unloading operations.
- (3) All contaminated loads (meaning, loads mixed with any form of Solid Waste that is not listed as an "Acceptable Waste for Class Two Landfills," as defined above, will be turned away and directed to the Oconee County Transfer Station or elsewhere, as appropriate, where applicable fees will be charged.
- (4) All materials which shall require special handling, including but not limited to asbestos, may not be mixed with other waste and are subject to separate fees as set forth in the County's annual budget.
- (5) All vehicles must weigh in for processing of Solid Waste and fees. Any loads mixed with large amounts of recyclables such as brush, wood waste, concrete, asphalt, brick, block, scrap metal, and/or cardboard must be separated. These materials may be disposed of in the landfill if attached to other waste. If disposed of in the landfill, however, the load will incur double the approved tipping fee
- (6) Fees will be waived for any waste processed as a clean recyclable.

(c) Solid Waste Complex-Transfer Station.

- (1) This facility is a combination of structures, machinery, and devices where Solid Waste is taken from collection vehicles and placed in other transportation units, with or without reduction of volume, for movement to another Solid Waste management facility.
- (2) All vehicles must weigh in for processing of Solid Waste and fees. Fees will be waived for any waste processed as a clean recyclable.
- (3) This facility generally accepts the following types of Solid Waste: Bulky Solid Waste, Commercial Solid Waste, Industrial Solid Waste, and Residential Solid Waste. Notwithstanding the foregoing, the Director or his designee may refuse to accept certain generally acceptable Solid Waste if such Solid Waste cannot be properly processed through the Transfer Station. Mixed loads that can be properly processed through the Transfer Station will incur double the approved tipping fee due to either containing large amounts of recyclables that are not being recycled or containing construction and demolition debris that could otherwise be disposed of in the Construction and Demolition debris Class 2 landfill
- (4) The acceptance of Sludge will be evaluated on a case by case basis. Extremely wet Sludge will not be accepted.

(d) Mulching Yard.

- (1) This County Facility receives only such Solid Waste as is listed in the Appendix to S.C. Code Ann. Regs. 61-107.4 "Feedstock Category One." Acceptable materials include yard trimmings, leaves, grass clippings, woodchips and sawdust from untreated wood, agricultural crop field residuals, and similar materials deemed acceptable by the Department. All such acceptable materials must be separated from other waste prior to delivery to the Mulching Yard.
- (2) "Feedstock" means source separated, recovered organic material approved by the Department and/or listed in the Appendix to R.107.4 to be used in the production of mulch.
- (3) "Mulch" means the organic, non-composted product rendered by grinding Category One feedstocks.
- (4) Material must be free of bags, root balls, cross ties, dirt, rocks, pallets, and other construction debris. Bags brought to this facility containing vegetation and leaves shall be emptied and taken to an appropriate disposal facility.
- (5) All material appropriate for the Mulching Yard will be accepted at no charge.

(e) Recycling and Convenience Centers.

- (1) The primary purpose of the County's Recycling and Convenience Centers is for County residents to have a clean and safe environment to dispose of appropriate Residential Solid Waste and Recyclable Materials.

- (2) Only Residential Solid Waste generated within the County shall be disposed of at a Recycling and Convenience Center. Waste tires are not accepted at County Recycling and Convenience Centers but must be disposed of at the County Transfer Station.
- (3) Recycling and Convenience Centers are not for use by any commercial enterprise or commercial activity.
- (4) Collectors are prohibited from depositing their customers' Solid Waste at a Recycling and Convenience Center.
- (5) The Department reserves the right to refuse entry to a vehicle that may cause a safety hazard to Recycling and Convenience Center patrons or employees due to its size or attached equipment.
- (6) Disposal containers located at these facilities shall be used only for the disposal of Residential Solid Waste. Large loads of Residential Solid Waste (greater than five hundred (500) pounds must be taken directly to the County Transfer Station where applicable fees will be applied.
- (7) All Residential Solid Waste and Recyclable Materials must be placed wholly inside the appropriate container or stationary compactor unless directed otherwise by a Department representative.
- (8) Recyclable Materials must be clean (free of food, liquids, dirt, mud, etc.), separated by type, and placed in the appropriate (designated) receptacle.
- (9) It is the responsibility of all Recycling and Convenience Center users to unload their vehicles and to properly dispose of their Residential Solid Waste and/or Recyclable Materials at the facility.
- (10) All cardboard deposited at a Recycling and Convenience Center shall be recycled.

(f) Disposal Site Fees.

- (1) Fee schedules for the disposal of Solid Waste at County Facilities will be established by the County's annual budget, published in the Department's Operational Manual, and posted at the respective facilities.
- (2) All fee changes shall be implemented by August 1st after adoption of the County's annual budget. A minimum of thirty (30) days shall be given before implementing any fee schedule change if fees are changed at any other time during the County's fiscal year (July 1 to June 30).
- (3) Nonprofit organizations may request a waiver of fees for construction and demolition debris by submitting a waiver request form to the Director. Waivers will be granted on a case-by-case basis in the best interest of the County. Any waiver denied by the Director may be submitted to the County Administrator for review.

Section 8. PRIVATELY OWNED SOLID WASTE PROCESSING AND RECYCLING FACILITIES

- (a) The following solid waste disposal activities have unique characteristics that require a thorough review prior to specific site approval, require careful ongoing oversight of the day-to-day operations, and have little to no state regulation or permitting:
- (1) The on-site processing of yard trash or construction, demolition, land-clearing debris, and/or other Solid Waste for reuse or recycling.
 - (2) Landfills intended to be used for yard trash or construction, demolition, land-clearing debris, and/or other Solid Waste.
 - (3) Any mining operations that include yard trash or construction, demolition, land-clearing debris, and/or other Solid Waste landfill as a part of their reclamation plan.
- (b) Each such or similar proposed activity must first be reviewed by the Department, and any other necessary County departments, as to its ability to meet the regulations contained in the Oconee County land use and zoning ordinances, this Oconee County Solid Waste Ordinance, and the Oconee County Solid Waste Management Plan. A report of that review must then be forwarded to the Oconee County Council in order for it to determine the suitability of the proposed activity and its location. As a part of its analysis of the proposed activity, County Council or its designee will establish application and review procedures that will contain but not be limited to the following:
- a. The application (on a form prescribed by the Department) for the activity, along with the Department's report on the application, will appear on County Council agendas at least three times. The first time will be for the purpose of an early notification to the public of the existence of the application and will include the time, date, and place of the public hearing. The second time will be for the purpose of holding a public hearing, and the third time will be for the purpose of County Council voting on the application.
 - b. At least fifteen (15) days prior to the public hearing, notice shall be given in a newspaper of general circulation in Oconee County.
 - c. At least fifteen (15) days prior to the public hearing, the adjacent property owners shall be notified of the proposed application and the time, date, and place of the public hearing.
 - d. The application will include a fee sufficient to cover the cost of the public hearing advertisement and the notification to all adjacent property owners.
 - e. If there are aspects of the activity and its proposed location that are of concern to the County Council, those concerns will be forwarded to the applicant. If the concerns are not addressed satisfactorily, the proposed activity will not be approved for that location.
- (c) Bonding of recycling/processing activities. The on-site processing of construction, demolition, land-clearing debris, and/or other Solid Waste for recycling has several unique characteristics. In preparation for processing, the materials are generally stored above-ground in large piles. If for any reason the recycling operation is abandoned, the unprocessed material must be transported to an approved landfill. Therefore, Oconee

County requires that a bond with surety and conditions satisfactory to it be filed and accepted by the Department prior to the permitting of such an operation. The nature of the surety and the bonding procedures shall be determined by the County Council or its designee to ensure that, in the event of a default by the applicant, sufficient funds will be available to dispose of the unprocessed solid waste material.

Section 9. USED AND WASTE TIRES

- (a) All Persons shall adhere to laws and regulations set forth by DHEC Regulation 61-107.3. Solid Waste Management: Waste Tires.**
- (b) It shall be unlawful for any Person to store, dump, discard, or abandon Waste Tires without either being registered with DHEC or meeting the exemptions set forth in the above mentioned DHEC regulations.**
- (c) All Waste Tires generated, transported to, or stored in the County must be delivered to a Waste Tire Collection Facility or the Oconee County Solid Waste Complex-Transfer Station.**
- (d) All illegal and unregistered Waste Tire dump sites are subject to the procedures and penalties of the Litter Control Ordinance of Oconee County, as well as all applicable local, state, and federal laws.**
- (e) Used Tire Dealer.**
 - (1) Any individual or commercial entity that sells, removes, replaces, and/or repairs used tires shall be required to:**
 - a. Register as a used tire dealer with the Department;**
 - b. Purchase a license annually;**
 - c. Record sales and retain disposal receipts of all tires processed; and**
 - d. Dispose of all Waste Tires at a Waste Tire Collection Facility or the Oconee County Solid Waste Complex-Transfer Station.**
 - (2) Used tire retailers must keep receipts and records of tires sold and disposed of in the County. These records must be kept for a minimum of three (3) years and made available upon request.**
 - (3) Used tires for resale must be stacked orderly either in rows or on racks for easy inspection and kept so the tires do not create a mosquito habitat or other environmental hazard.**
- (f) Waste Tire Fees.**
 - (1) Anyone disposing of Waste Tires at the Solid Waste Complex-Transfer Station shall be required to pay the appropriate fees set forth by the County's annual budget.**
 - (2) The Waste Tire fee shall apply to all Waste Tires, including heavy equipment tires and oversized tires that have a diameter greater than the largest tire with a U.S. Department of Transportation number. Fleets are required to provide documentation for proof-of-purchase on instate tires. The disposal fee applies to all tires for which no state tire disposal fee has been paid.**

- (3) Any dealer who brings Waste Tires to the Oconee County Solid Waste Complex – Transfer Station will be required to pay the appropriate fees, unless the adequate paperwork (SC DOR Solid Waste Excise Tax Return Form ST-390 including proof of payment) is provided.
- (4) County residents are exempt from Waste Tire fees for small tires from lawn and garden equipment and bicycles. Waste Tire fees will apply to any commercial entity that disposes of these same items.

Section 10. MISCELLANEOUS PROVISIONS

(a) Solid Waste Containers.

- (1) Solid Waste shall be stored in Solid Waste containers, which are watertight, vector-resistant, durable, easily cleanable, and designed for safe handling.
- (2) Except when the containers are set out for collection, the Solid Waste generator shall keep and maintain all Solid Waste containers within the side or rear yard of the premises where the Solid Waste is generated.
- (3) No Person shall place any Solid Waste container in any place or in any manner such that the container impedes normal vehicular traffic, public transportation, or pedestrian or wheelchair access to public rights-of-way.
- (4) The Solid Waste generator shall not cause or permit any Solid Waste container to be filled in any manner which causes Solid Waste to overflow from the container.

- (b) Out-of-County Waste: Solid Waste generated outside of the boundaries of the County must be designated as such and documented with the Department.

Section 11. PENALTIES AND FINES

A Person violating the provisions of this Chapter may be guilty of a misdemeanor and subject to a fine and/or imprisonment in an amount not to exceed the jurisdictional limits granted a magistrate in the County under South Carolina law. In addition, a magistrate court may award appropriate restitution.

ORDINANCE 2018-16

ATTACHMENT B

Section 1. PURPOSE

This Chapter authorizes and provides for solid waste management in Oconee County, South Carolina ("County"); establishing powers and duties in connection therewith; establishing standards and requirements for the handling of Solid Waste, as defined herein; providing for the enforcement of these requirements; and imposing penalties for failure to comply with these provisions.

This Chapter is drafted for the benefit of the citizens of the County, both present and future. The County recognizes that a clean, safe, and attractive environment is important to the health and welfare of all County inhabitants.

Section 2. AUTHORITY

- (a) This Chapter is authorized by the South Carolina Solid Waste Policy and Management Act of 1991, S.C. Code § 44-96-10 et seq., as well as S.C. Code § 4-9-25, S.C. Code § 4-9-30, S.C. Code § 16-11-700, S.C. Code § 44-55-1010, et seq., and other applicable state and federal statutory, decisional, and regulatory law.
- (b) The Director of the Oconee County Solid Waste Department may publish rules and regulations that are in addition, but not contrary, to the provisions of this Chapter. All such rules and regulations must be approved by the County Administrator and shall be maintained in the "Oconee County Solid Waste Operational Manual" or "Operational Manual" which shall be made available to the public at the Oconee County Solid Waste Complex, 15028 Wells Hwy, Seneca, SC 29678, and which may also be found at <http://www.oconeesc.com/departments/kz/solidwaste.aspx>. The rules and regulations contained in the Operational Manual shall only address administrative matters and not assume any legislative powers, which are expressly reserved to the Oconee County Council. *O.C. Code § 28-73.*

Section 3. JURISDICTION

This Chapter applies to all unincorporated areas of the Oconee County, and to any other areas under its jurisdiction by intergovernmental agreement, operation of law, or otherwise. *O.C. Code § 28-73(a)(1).*

Section 4. DEFINITIONS

- (a) Any term not specifically defined in this section shall be construed pursuant to its plain and ordinary meaning. The word "shall" is always mandatory and not merely discretionary.
- (b) "Bulky Solid Waste" means large items of solid waste such as furniture, large auto parts, and other oversized items whose large size precludes or complicates their handling by normal solid waste collection, processing, or disposal methods.
- (c) "Collector" means any Person or entity engaged in the business of collecting, transporting, and/or disposing of Solid Waste within the County and which is licensed, or required to be licensed, by the Oconee County Solid Waste Department for such activities.
- (d) "Commercial Solid Waste" means Solid Waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing entities or activities, excluding Residential and Industrial Solid Waste.
- (e) "County Council" means the Oconee County Council.
- (f) "County" means Oconee County, South Carolina.
- (g) "DHEC" means the South Carolina Department of Health and Environmental Control, a governmental agency responsible for public health and the environment in the State of South Carolina.
- (h) "Department" means the Oconee County Solid Waste Department.
- (i) "Director" means the Director of the Oconee County Solid Waste Department.
- (j) "Garbage" means all putrescible waste, including animal offal and carcasses, and recognizable industrial by-products, but excluding sewage and human waste.
- (k) "Hazardous Waste" means any waste, or combination of wastes, of a solid, liquid, contained gaseous, or semisolid form which because of its quantity, concentration, or physical, chemical, or infectious characteristics may in the judgment of the Department:
 - (1) cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or
 - (2) contain (i) any "hazardous substance" as now or hereafter defined in § 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. § 9601 et seq.) ("CERCLA") or any regulations promulgated under CERCLA; (ii) any "hazardous waste" as now or hereafter defined in the Resource Conservation and Recovery Act (42 U.S.C. § 6901 et seq.) ("RCRA") or regulations promulgated under RCRA; (iii) any substance regulated by the Toxic Substances Control Act (15 U.S.C. § 2601 et seq.); (iv) gasoline, diesel fuel, or other petroleum hydrocarbons; (v) polychlorinated biphenyls; or (vi) radon gas.
- (l) "Industrial Waste" means Solid Waste that results from industrial / manufacturing processes including, but not limited to, those of factories and treatment plants.

- (m) **"Litter"** means all Solid Waste which is not stored in secure Solid Waste receptacles, meeting standards established herein and by the County Litter Control Ordinance, or which is otherwise not disposed of in a manner provided by law.
- (n) **"Person"** means an individual, corporation, company, association, partnership, unit of local government, state agency, federal agency, or other legal entity.
- (o) **"Putrescible Waste"** means Solid Waste that contains organic matter capable of being decomposed by microorganisms and of such a character and proportion as to be capable of creating foul smelling odors and attracting or providing food for animals.
- (p) **"Recyclable Materials"** means those materials which are capable of being recycled which would otherwise be processed or disposed of as Solid Waste.
- (q) **"Recycling"** means any process by which Recyclable Materials are collected, separated, processed, and reused or returned to use in the form of raw materials or products.
- (r) **"Refuse"** means all non-putrescible waste.
- (s) **"Residential Waste"** means Solid Waste generated by a single family residence, excluding Commercial and Industrial Solid Waste.
- (t) **"Single Family Residence"** means premises used for or designated as a single-family residential dwelling, including each dwelling unit contained within a (a) condominium structure; (b) duplex, triplex, etc.; (c) townhouse structure; or (d) mobile home park.
- (u) **"Sludge"** means any solid, semisolid, or liquid waste generated from a municipal, commercial, institutional, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility, or any other waste having similar characteristics and effects.
- (v) **"Solid Waste"** means any Garbage, Refuse, Sludge, and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, residential, mining, and agricultural operations and from community activities. This term does not include solid or dissolved material in domestic sewage, recovered materials, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to NPDES permits under the Federal Water Pollution Control Act, as amended, or the Pollution Control Act of South Carolina, as amended, or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended. Also excluded from this definition are the application of fertilizer and animal manure during normal agricultural operations and Refuse as defined and regulated pursuant to the South Carolina Mining Act, including processed mineral waste, which will not have a significant adverse impact on the environment.
- (w) **"Solid Waste Management System"** means all facilities, activities, and actions, including monitoring and regulating, deemed necessary by County Council and executed primarily by the Department to manage Solid Waste, including collection, transportation, treatment, and disposal.
- (x) **"Used Tire Dealer"** means any commercial entity that sells used tires.
- (y) **"Waste Tire"** means a tire that is no longer suitable for its original intended purpose.

- (z) "Waste Tire Collection Facility" means a permitted facility or a facility exempted from permit requirement, used for the temporary storage of waste tires.
- (aa) "Yard Waste" means Solid Waste consisting solely of vegetative matter resulting from landscaping maintenance.

Section 5. THE OCONEE COUNTY SOLID WASTE DEPARTMENT

- (a) The Oconee County Solid Waste Department shall operate the County's Solid Waste Management System, and shall include the employees of the County who manage the disposal, recycling, transfer, transportation, and other operations involved in the management of Solid Waste.
- (b) The Department shall operate under the direction of the Solid Waste Director, who shall report to the County Administrator. *O.C. Code § 28-73.*

Section 6. COLLECTORS

- (a) Licensing and Fees.
 - (1) All Collectors must obtain and maintain a County license for operation, along with any other required local, state, and federal licenses and decals before collection and disposal of any Solid Waste at an approved County Facility. *O.C. Code §§ 28-71 and 28-73(a)(3).*
 - (2) County license fees for Collectors of the various categories of Solid Waste shall be established by County Council and posted at the Oconee County Solid Waste Complex, 15028 Wells Hwy, Seneca, SC 29678, and may also be found at www.oconeesc.com/departments/kz/solidwaste.aspx. *O.C. Code §§ 28-71 and 28-73(b)(2).*
 - (3) Any Collector of Solid Waste shall dispose of such Solid Waste only at the designated and appropriate County Facility, or at such other site as approved by DHEC. *O.C. Code § 28-73(b)(3).*
 - (4) Each Collector shall furnish to the Department maps of proposed and/or established routes for which licensure or re-licensure is requested. Such maps shall include the proposed number of residential customers and such other information as deemed necessary by the Department. *O.C. Code § 28-73(b)(4).*
 - (5) Each licensed Collector shall be required to attest in writing that it has read this Chapter and all rules and regulations promulgated by the Department and agrees to abide by them. Failure to abide by this Chapter and/or the rules and regulations shall be cause for revocation of a Collector's license. Any licensed Collector who shall discontinue an approved route shall notify the Director of the intention to discontinue such route at least sixty (60) days prior to the date set for discontinuance, except in the event of death, providential disaster, or exception granted by the County Council. *O.C. Code § 28-73(b)(7).*

(b) Collector's Vehicles.

- (1) All vehicles used to collect, transport, and dispose of Solid Waste in the County must prominently display a decal, which shall be purchased from the Department, indicating the vehicle is licensed to collect waste within the County. *O.C. Code § 28-75(a)(1)*.
- (2) Every vehicle used for transportation of Solid Waste shall be equipped with a hauling body which shall be reasonably watertight. The vehicle must also be equipped with a tarp, canvas, or other Department-approved device capable of ensuring no loss of any collected waste. Failure to comply with either of these requirements constitutes a per se violation of this Chapter. *O.C. Code § 28-75(b)(2)*.
- (3) Every vehicle used for the collection of Solid Waste shall at all times be kept properly maintained. Every vehicle shall carry a legend on the side wall of the hauling body with a minimum of two-inch lettering, which shall include:
 - a. The name of the Collector;
 - b. The address of the Collector; and,
 - c. The Collector's telephone number. *O.C. Code § 28-75(b)(3)*.

(c) Collection.

- (1) The Collector shall not dent, bend, punch holes in or otherwise damage the container provided by the individual Solid Waste generator and shall empty, recover, and return the container to the designated collection place. *O.C. Code § 28-75(a)(3)*.
- (2) Collectors shall be subject to a penalty for depositing mixed Residential and Commercial and/or Industrial Solid Waste at any facility. *O.C. Code § 28-75(a)(7)*.

Section 7. OCONEE COUNTY DISPOSAL FACILITIES

(a) General Provisions.

- (1) The County-owned facilities ("County Facilities") described in this Section may be used for the disposal of Solid Waste by any Person who is an inhabitant of the County. Solid Waste shall be disposed of at the appropriate County Facility, as outlined below, and in a manner consistent with all procedures published by the Department. The Director or his designee shall have the authority to require proof of proper Solid Waste disposal methods from businesses and commercial establishments. *O.C. Code § 28-73*.
- (2) All County Facilities shall be under the supervision of the Director, in accordance with the rules and regulations published by the Department and DHEC, along with the ordinances of the County Council. *O.C. Code § 28-73*.
- (3) It shall be unlawful for any Person to loiter or trespass at any County Facility, or to come thereon except for the transaction of business during normal operating hours. No Person shall scatter, probe through, scavenge, interfere with, or disturb Solid Waste or any other item located at any County Facility. *O.C. Code § 28-77(d) and (e)*.

- (4) Depositing Solid Waste in undesignated or inappropriate areas at, or around, any County Facility is strictly prohibited. *O.C. Code § 28-77 (a) – (c)*.
 - (5) The use of County-owned equipment, in any manner, to remove or otherwise handle Solid Waste from a vehicle that is not County-owned or by a Person that is not an employee of the County, is strictly prohibited.
 - (6) No burning item, flammable solution, explosive, hot ash, or similar item shall be placed in, around, or near any of the equipment provided for Solid Waste collection and/or storage. *O.C. Code §§ 28-76(d) and 28-77(e)*.
 - (7) Sewage solids or liquids, septic tank waste; unstable, flammable, or inflammatory substances; animals or carcasses; hazardous or potentially hazardous substances; or any solid deemed inappropriate by the Director or designee may not be disposed at any County Facility. *O.C. Code § 28-76(e)*.
 - (8) Materials that are suitable for mulching shall only be disposed of at the County Mulching Yard. All customers will be charged the current landfill tipping fee for mixed loads. *O.C. Code § 28-77 (a) – (c) and O.C. Code § 28-72 (as to fees)*.
 - (9) All loads are subject to inspection by the Department. No unacceptable Solid Waste shall be unloaded at a County Facility. Any unacceptable Solid Waste unloaded at a County Facility shall be considered litter and shall be removed at the owner's expense. Such owner may be subject to other fees and penalties set forth in this Chapter and/or the County's Litter Control Ordinance. *O.C. Code § 28-73*.
 - (10) All patrons of County Facilities must exit the facilities prior to the posted closing times.
 - (11) Pets, of any nature, are prohibited from entering any County Facility. Service animals are not considered pets.
- (b) Construction and Demolition Landfill. *O.C. Code § 28-77(c)*.
- (1) This facility receives only such Solid Waste as is listed in S.C. Code Ann. Regs. 61-107.19 Appendix I "Acceptable Waste for Class Two Landfills." Acceptable wastes may be generated by construction, demolition, land-clearing, industrial, and/or manufacturing activities, and/or obtained from segregated Commercial Solid Waste. Any materials listed in Appendix I that have been contaminated by any hazardous constituent listed in the S.C. Hazardous Waste Management Regulations 61-79.261, or petroleum products, are prohibited from disposal at this facility.
 - (2) Signs shall be posted at all entrance roads to the County landfills clearly specifying the days and hours of operation. Oconee County staff shall be at landfills during operating hours to supervise unloading operations. *O.C. Code § 28-76(b)*.
 - (3) All contaminated loads (meaning, loads mixed with any form of Solid Waste that is not listed as an "Acceptable Waste for Class Two Landfills," as defined above, will be turned away and directed to the Oconee County Transfer Station or elsewhere, as

appropriate, where applicable fees will be charged. *O.C. Code § 28-73 and O.C. Code § 28-77 (a) – (c).*

- (4) All materials which shall require special handling, including but not limited to asbestos, may not be mixed with other waste and are subject to separate fees as set forth in the County's annual budget, *O.C. Code § 28-76(d).*
 - (5) All vehicles must weigh in for processing of Solid Waste and fees. *O.C. Code § 28-72 and 73.* Fees will be waived for any waste processed as a clean recyclable.
- (c) Solid Waste Complex-Transfer Station. *O.C. Code § 28-77(c).*
- (1) This facility is a combination of structures, machinery, and devices where Solid Waste is taken from collection vehicles and placed in other transportation units, with or without reduction of volume, for movement to another Solid Waste management facility.
 - (2) All vehicles must weigh in for processing of Solid Waste and fees. Fees will be waived for any waste processed as a clean recyclable.
 - (3) This facility generally accepts the following types of Solid Waste: Bulky Solid Waste, Commercial Solid Waste, Industrial Solid Waste, and Residential Solid Waste. Notwithstanding the foregoing, the Director or his designee may refuse to accept certain generally acceptable Solid Waste if such Solid Waste cannot be properly processed through the Transfer Station. Mixed loads may be accepted with the approval of the Director or his designee.
 - (4) The acceptance of Sludge will be evaluated on a case by case basis. Extremely wet Sludge will not be accepted.
- (d) Mulching Yard. *O.C. Code § 28-77(c).*
- (1) This County Facility receives only such Solid Waste as is listed in the Appendix to S.C. Code Ann. Regs. 61-107.4 "Feedstock Category One." Acceptable materials include yard trimmings, leaves, grass clippings, woodchips and sawdust from untreated wood, agricultural crop field residuals, and similar materials deemed acceptable by the Department. All such acceptable materials must be separated from other waste prior to delivery to the Mulching Yard.
 - (2) "Feedstock" means source separated, recovered organic material approved by the Department and/or listed in the Appendix to R.107.4 to be used in the production of mulch.
 - (3) "Mulch" means the organic, non-composted product rendered by grinding Category One feedstocks.
 - (4) Material must be free of bags, root balls, cross ties, dirt, rocks, pallets, and other construction debris. Bags brought to this facility containing vegetation and leaves shall be emptied and taken to an appropriate disposal facility.
 - (5) All material appropriate for the Mulching Yard will be accepted at no charge.

(e) Recycling and Convenience Centers.

- (1) The primary purpose of the County's Recycling and Convenience Centers is for County residents to have a clean and safe environment to dispose of appropriate Residential Solid Waste and Recyclable Materials. *O.C. Code § 28-77(a) - (c)*.
- (2) Only Residential Solid Waste generated within the County shall be disposed of at a Recycling and Convenience Center. *O.C. Code § 28-77(a) - (c)*. Waste tires are not accepted at County Recycling and Convenience Centers but must be disposed of at the County Transfer Station.
- (3) Recycling and Convenience Centers are not for use by any commercial enterprise or commercial activity.
- (4) Collectors are prohibited from depositing their customers' Solid Waste at a Recycling and Convenience Center.
- (5) The Department reserves the right to refuse entry to a vehicle that may cause a safety hazard to Recycling and Convenience Center patrons or employees due to its size or attached equipment.
- (6) Disposal containers located at these facilities shall be used only for the disposal of Residential Solid Waste. Large loads of Residential Solid Waste (greater than five hundred (500) pounds) must be taken directly to the County Transfer Station where applicable fees will be applied. *O.C. Code § 28-77(e)*.
- (7) All Residential Solid Waste and Recyclable Materials must be placed wholly inside the appropriate container or stationary compactor unless directed otherwise by a Department representative. *O.C. Code § 28-77(b)*.
- (8) Recyclable Materials must be clean (free of food, liquids, dirt, mud, etc.), separated by type, and placed in the appropriate (designated) receptacle.
- (9) It is the responsibility of all Recycling and Convenience Center users to unload their vehicles and to properly dispose of their Residential Solid Waste and/or Recyclable Materials at the facility.
- (10) All cardboard deposited at a Recycling and Convenience Center shall be recycled. [*Or, "All items capable of being recycled, as designated by the Department, shall be deposited in the appropriate (designated) recycling receptacle, as opposed to being discarded as Residential Solid Waste."*]

(f) Disposal Site Fees.

- (1) Fee schedules for the disposal of Solid Waste at County Facilities will be established by the County's annual budget, published in the Department's Operational Manual, and posted at the respective facilities. *O.C. Code § 28-72*.
- (2) All fee changes shall be implemented by August 1st after adoption of the County's annual budget. A minimum of thirty (30) days shall be given before implementing any fee schedule change if fees are changed at any other time during the County's fiscal year (July 1 to June 30).

- (3) Nonprofit organizations may request a waiver of fees for construction and demolition debris by submitting a waiver request form to the Director. Waivers will be granted on a case-by-case basis in the best interest of the County. Any waiver denied by the Director may be submitted to the County Administrator for review.

Section 8. PRIVATELY OWNED SOLID WASTE PROCESSING AND RECYCLING FACILITIES

- (a) The following solid waste disposal activities have unique characteristics that require a thorough review prior to specific site approval, require careful ongoing oversight of the day-to-day operations, and have little to no state regulation or permitting:
 - (1) The on-site processing of yard trash or construction, demolition, land-clearing debris, and/or other Solid Waste for reuse or recycling.
 - (2) Landfills intended to be used for yard trash or construction, demolition, land-clearing debris, and/or other Solid Waste.
 - (3) Any mining operations that include yard trash or construction, demolition, land-clearing debris, and/or other Solid Waste landfill as a part of their reclamation plan.
- (b) Each such or similar proposed activity must first be reviewed by the Department, and any other necessary County departments, as to its ability to meet the regulations contained in the Oconee County land use and zoning ordinances, this Oconee County Solid Waste Ordinance, and the Oconee County Solid Waste Management Plan. A report of that review must then be forwarded to the Oconee County Council in order for it to determine the suitability of the proposed activity and its location. As a part of its analysis of the proposed activity, County Council or its designee will establish application and review procedures that will contain but not be limited to the following:
 - a. The application (on a form prescribed by the Department) for the activity, along with the Department's report on the application, will appear on County Council agendas at least three times. The first time will be for the purpose of an early notification to the public of the existence of the application and will include the time, date, and place of the public hearing. The second time will be for the purpose of holding a public hearing, and the third time will be for the purpose of County Council voting on the application.
 - b. At least fifteen (15) days prior to the public hearing, notice shall be given in a newspaper of general circulation in Oconee County.
 - c. At least fifteen (15) days prior to the public hearing, the adjacent property owners shall be notified of the proposed application and the time, date, and place of the public hearing.
 - d. The application will include a fee sufficient to cover the cost of the public hearing advertisement and the notification to all adjacent property owners.

- e. If there are aspects of the activity and its proposed location that are of concern to the County Council, those concerns will be forwarded to the applicant. If the concerns are not addressed satisfactorily, the proposed activity will not be approved for that location.
- (c) **Bonding of recycling/processing activities.** The on-site processing of construction, demolition, land-clearing debris, and/or other Solid Waste for recycling has several unique characteristics. In preparation for processing, the materials are generally stored above-ground in large piles. If for any reason the recycling operation is abandoned, the unprocessed material must be transported to an approved landfill. Therefore, Oconee County requires that a bond with surety and conditions satisfactory to it be filed and accepted by the Department prior to the permitting of such an operation. The nature of the surety and the bonding procedures shall be determined by the County Council or its designee to ensure that, in the event of a default by the applicant, sufficient funds will be available to dispose of the unprocessed solid waste material.

Section 9. USED AND WASTE TIRES

- (a) All Persons shall adhere to laws and regulations set forth by DHEC Regulation 61-107.3. **Solid Waste Management: Waste Tires.**
- (b) It shall be unlawful for any Person to store, dump, discard, or abandon Waste Tires without either being registered with DHEC or meeting the exemptions set forth in the above mentioned DHEC regulations.
- (c) All Waste Tires generated, transported to, or stored in the County must be delivered to a Waste Tire Collection Facility or the Oconee County Solid Waste Complex-Transfer Station.
- (d) All illegal and unregistered Waste Tire dump sites are subject to the procedures and penalties of the Litter Control Ordinance of Oconee County, as well as all applicable local, state, and federal laws.
- (e) **Used Tire Dealer.**
 - (1) Any individual or commercial entity that sells, removes, replaces, and/or repairs used tires shall be required to:
 - a. Register as a used tire dealer with the Department;
 - b. Purchase a license annually;
 - c. Record sales and retain disposal receipts of all tires processed; and
 - d. Dispose of all Waste Tires at a Waste Tire Collection Facility or the Oconee County Solid Waste Complex-Transfer Station.
 - (2) Used tire retailers must keep receipts and records of tires sold and disposed of in the County. These records must be kept for a minimum of three (3) years and made available upon request.
 - (3) Used tires for resale must be stacked orderly either in rows or on racks for easy inspection and kept so the tires do not create a mosquito habitat or other environmental hazard.
- (f) **Waste Tire Fees.**

- (1) Anyone disposing of Waste Tires at the Solid Waste Complex-Transfer Station shall be required to pay the appropriate fees set forth by the County's annual budget.
- (2) The Waste Tire fee shall apply to all Waste Tires, including heavy equipment tires and oversized tires that have a diameter greater than the largest tire with a U.S. Department of Transportation number. Fleets are required to provide documentation for proof-of-purchase on instate tires. The disposal fee applies to all tires for which no state tire disposal fee has been paid.
- (3) Any dealer who brings Waste Tires to the Oconee County Solid Waste Complex – Transfer Station will be required to pay the appropriate fees, unless the adequate paperwork (SC DOR Solid Waste Excise Tax Return Form ST-390 including proof of payment) is provided.
- (4) County residents are exempt from Waste Tire fees for small tires from lawn and garden equipment and bicycles. Waste Tire fees will apply to any commercial entity that disposes of these same items.

Section 10. MISCELLANEOUS PROVISIONS

(a) Solid Waste Containers.

- (1) Solid Waste shall be stored in Solid Waste containers, which are watertight, vector-resistant, durable, easily cleanable, and designed for safe handling. *O.C. Code § 28-74(b)*.
- (2) Except when the containers are set out for collection, the Solid Waste generator shall keep and maintain all Solid Waste containers within the side or rear yard of the premises where the Solid Waste is generated.
- (3) No Person shall place any Solid Waste container in any place or in any manner such that the container impedes normal vehicular traffic, public transportation, or pedestrian or wheelchair access to public rights-of-way.
- (4) The Solid Waste generator shall not cause or permit any Solid Waste container to be filled in any manner which causes Solid Waste to overflow from the container. *O.C. Code § 28-74(b)*.

- (b) Out-of-County Waste: Solid Waste generated outside of the boundaries of the County must be designated as such and documented with the Department.

Section 11. PENALTIES AND FINES

A Person violating the provisions of this Chapter may be guilty of a misdemeanor and subject to a fine and/or imprisonment in an amount not to exceed the jurisdictional limits granted a magistrate in the County under South Carolina law. In addition, a magistrate court may award appropriate restitution. *O.C. Code § 28-77(g)*.

Oconee County, South Carolina



Ordinance 2018-30
contains an Attachment B
that highlights the changes
being proposed

**STATE OF SOUTH CAROLINA
COUNTY OF OCONEE
ORDINANCE 2018-30**

**AN ORDINANCE TO AMEND CHAPTER 4 OF THE
OCONEE COUNTY CODE OF ORDINANCES, ENTITLED
THE *OCONEE COUNTY ANIMAL CONTROL ACT*; AND
OTHER MATTERS RELATED THERETO.**

WHEREAS, consistent with the powers granted county governments by S.C. Code § 4-9-25 and S.C. Code § 4-9-30, Oconee County ("County"), a body politic and corporate and a political subdivision of the State of South Carolina, acting by and through its governing body, the Oconee County Council ("County Council"), has the authority to enact regulations, resolutions, and ordinances not inconsistent with the Constitution and the general law of the State of South Carolina, including the exercise of such powers in relation to health and order within its boundaries and respecting any subject as appears to it necessary and proper for the security, general welfare, and convenience of the County or for preserving health, peace, order, and good government therein; and,

WHEREAS, the County has adopted multiple ordinances for the effective, efficient governance of the County, which, subsequent to adoption, are codified in the Oconee County Code of Ordinances (the "Code of Ordinances"), as amended; and,

WHEREAS, County Council recognizes that there is a need to revise the law of the County to meet the changing needs of the County and that there is a need to amend, specifically, certain sections of Chapter 4 of the Code of Ordinances, entitled the "Oconee County Animal Control Act"; and,

WHEREAS, the County has specific authority pursuant South Carolina state law, including the provisions of S.C. Code § 47-3-10, et seq. and S.C. Code § 47-5-10, et seq., to regulate issues related to animal control and care; and,

WHEREAS, County Council has therefore determined to modify Chapter 4 of the Code of Ordinances and to affirm and preserve all other provisions of the Code of Ordinances not specifically, or by implication, amended hereby.

NOW, THEREFORE, it is hereby ordained by the Oconee County Council, in meeting duly assembled, that:

1. Chapter 4 of the Code of Ordinances, entitled the *Oconee County Animal Control Act*, is hereby revised, rewritten, and amended to read as set forth in "Attachment A," which is attached hereto and incorporated herein by reference. Attached hereto as "Attachment B" is a version of Chapter 4 showing the substantive changes made to the existing ordinance; it is for illustrative purposes only, and shall not be codified.

2. Should any part or provision of this Ordinance be deemed unconstitutional or unenforceable by any court of competent jurisdiction, such determination shall not affect the rest and remainder of this Ordinance, all of which is hereby deemed separable.

3. All ordinances, orders, resolutions, and actions of County Council inconsistent herewith are, to the extent of such inconsistency only, hereby repealed, revoked, and rescinded.

4. All other terms, provisions, and parts of the Code of Ordinances not amended hereby, directly or by implication, shall remain in full force and effect.

5. This Ordinance shall take effect and be in full force and effect from and after third reading and enactment by County Council.

ORDAINED in meeting, duly assembled, this ____ day of _____, 2018.

ATTEST:

Katie D. Smith
Clerk to Oconee County Council

Edda Cammick
Chair, Oconee County Council

First Reading: September 18, 2018
Second Reading: _____
Third Reading: _____
Public Hearing: _____

Ordinance 2018-30
Attachment A

CHAPTER 4 - ANIMALS

Sec. 4-1 – Title.

This chapter shall be known as the Oconee County Animal Control Act.

Sec. 4-2 – Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned or stray animal means any animal unattended for a period of more than three days.

Animal means every nonhuman species of animal.

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

Animal control officer means any person designated by the State of South Carolina or Oconee County as an enforcement officer pursuant to S.C. Code § 47-3-30.

County animal shelter means any premises designated by Oconee County for the purpose of impound, care, or destruction of animals held under authority of this chapter and/or state law.

Dangerous animal means an animal:

1. Which the owner knows or reasonably should know has a propensity, tendency, or disposition to attack unprovoked or cause injury or otherwise endanger the safety of human beings or domestic animals;
2. Which makes an unprovoked attack that causes bodily injury to a human being, and the attack occurs in a place other than the place where the animal is confined as required by S.C. Code § 47-3-720;
3. Which commits unprovoked acts in a place other than the place where the animal is confined as required by S.C. Code § 47-3-720, and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to a human being;
4. Which is owned or harbored primarily or in part for the purpose of fighting or which is trained for fighting; or
5. Which attacks, bites, or injures a human being or domestic animal without adequate provocation, or which, because of temperament, conditioning, or

training has a known propensity to attack, bite, or injure human beings or domestic animals.

An animal shall not be considered a dangerous animal solely by virtue of its breed or species.

Humane Society means the South Carolina Society for the Prevention of Cruelty to Animals.

Owner means any person, partnership, corporation, or other entity 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, unless said person, partnership, corporation, or other entity has notified animal control to pick up stray animal.

Potentially dangerous animal means an animal that chases or approaches any person or domestic animal, anywhere other than on the property of the owner, in a menacing fashion or with an apparent attitude of attack, including, but not limited to, behavior such as growling or snarling.

Public nuisance animal means any animal, except those raised for food and/or food products, that unreasonably annoys humans, endangers the life or health of other citizens (other than its owners), or interferes with a citizen's enjoyment of life or property. Public nuisance animals include, by way of example and not limitation, an animal that:

1. Is found at large after a written complaint has been filed;
2. Damages the property of anyone other than its owner;
3. Molests or intimidates pedestrians or passersby;
4. Excessively makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
5. Causes fouling of the air off the premises of the owner by odor resulting from the owner's failure to remove feces at least every 24 hours or washing of same into an approved disposal system at least every 24 hours;
6. 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; or
7. Does not have attached a valid current rabies inoculation tag as required by state law.

Under restraint. An 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 devices or verbal command, or which is 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.

Sec. 4-3. – Authority.

This chapter is adopted pursuant to the provisions of S.C. Code § 47-3-10, et seq. and S.C. Code § 47-5-10, et seq.

Sec. 4-4. – Restraint.

- (a) All animals shall be kept under control.
- (b) No owner shall fail to exercise proper care and control of his animal to prevent it from being a public nuisance. This prohibition shall apply equally to the owner of a campground or similar transient accommodation site, who is hereby required to enforce reasonable restraint requirements upon guests who bring animals on site.
- (c) Tethering: If tethering is necessary, the animal shall be humanely tethered. Inhumane tethering includes (1) that which causes injury or illness to the tethered animal; (2) instances where the weight of the tether exceeds 1/8th of the animal's weight; (3) instances where the tether is too short for adequate mobility and separation from bodily functions (less than 10 feet) or does not allow access to food, water, shade, or shelter; (4) the use of choke or prong collars; and/or (5) the tethering of an animal under six months of age or weighing less than 20 pounds.
- (d) 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.
- (e) Every dangerous animal and potentially dangerous animal, as defined herein, shall be confined by the owner, or person responsible therefor, within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.

Sec. 4-5. – 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 the South Carolina Department of Health and Environmental Control. Likewise, animal control officers and Humane Society personnel shall promptly notify the South Carolina Department of Health and Environmental Control of animal bites or injuries to a human being and shall cooperate with the impounding and quarantining of such animal, as appropriate.

Sec. 4-6. – Impoundment.

- (a) Unrestrained and nuisance animals:
 - (1) Unrestrained and nuisance animals, upon receipt of written complaint signed by the complainant, may be taken by an animal control officer and/or law enforcement officer and impounded in the county animal shelter and there be confined in a humane manner.
 - (2) In addition to, or in lieu of, impounding an unrestrained animal, the animal control officer or law enforcement officer may issue to the owner of such

animal a notice of ordinance violation. Such notice shall impose upon the owner a written warning for the first offense. The owner shall be charged a penalty of \$125.00 for the second violation, \$150.00 for the third violation and \$200.00 for each subsequent violation. Said penalties shall be made payable to the treasurer of the county and paid at the county animal shelter within ten business days from the date of issuance in full satisfaction of the assessed penalty. In the event that such penalty is not paid within the time period described, a bench warrant shall be issued by a magistrate and, upon conviction, the owner shall be punished as provided in Section 4-12. Notwithstanding the foregoing, an animal control officer or law enforcement officer may write a ticket for a first offense if the situation or severity of the offense so warrants.

- (3) The owner of an impounded animal shall be required to pay a fee of \$10.00 per day for each day the animal is boarded by the county, actual cost for inoculation of the animal (if applicable), a \$10.00 impoundment fee, and any required medical fees. In addition, at the discretion of the animal shelter, a fee of \$75.00 and mandatory sterilization of the animal may be required if the animal is impounded on more than one occasion. The sterilization shall not be required if the owner or other person redeeming the animal provides a written statement from a licensed veterinarian that the spay or neuter procedure would be harmful to the animal due to reasons of age or health or that the animal has already been sterilized.
- (b) Notwithstanding the above, an animal control officer and/or law enforcement officer may without written complaint impound animals not having a valid current rabies inoculation tag and found off the owner's property.
- (c) Any animal held on behalf of another municipality or similar agency may be housed at the animal shelter for 30 days at no cost. After 30 days, the standard housing fee of \$10.00 per day and any required medical fees will be assessed on a daily basis. Any and all fees shall be paid by the owner of the animal.
- (d) Barring an extremely dangerous or exigent situation (for example, a feral animal), impounded dogs and cats shall not be kept for fewer than five business days.
- (e) 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. 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 ten business days.
- (f) Abandoned animals shall be impounded and shall be kept for no fewer than five business days.
- (g) Any owner reclaiming an impounded dog or cat shall pay the fee provided for in subsection (a) of this section before the animal can be released.

- (h) Any owner claiming an impounded dog or cat shall show proof that the animal is currently inoculated against rabies. If such animal is not currently inoculated against rabies, the owner shall cause the animal to be inoculated at the owner's expense.
- (i) Any animal not reclaimed by its owner within five business days, or in the case of a positively identifiable animal within ten business days, shall become the property of the local government authority and shall be placed for adoption in a suitable home, humanely disposed of as approved by state law, or sent to rescue.
- (j) The animal shelter director shall keep complete and accurate records of the care, veterinary treatment, and disposition of all animals impounded at the shelter.
- (k) It shall be unlawful for any person to release or take out of impoundment any animal without proper authority.
- (l) It shall be unlawful to resist or hinder animal control officers or law enforcement officers engaging in the capture and impoundment of an animal. It shall be unlawful to give false information to an animal control officer or law enforcement officer.
- (m) It shall be unlawful to remove the rabies tag from the dog for which the tag was issued.

Sec. 4-7. – Dangerous Animals.

- (a) Animal control and law enforcement officers shall have the power to summarily and immediately impound any animal where there is any evidence that the animal has attacked, bitten, or injured any human being or domestic animal. The animal shall be kept at the county animal shelter or at a veterinarian designated by the owner at the owner's expense for quarantine pending a determination of the animal's status as a dangerous animal. In the event an animal bites a member of the animal owner's family, and the animal owner requests that the animal be impounded by the animal owner, the animal control officer or law enforcement officer may, in his/her discretion, allow the animal owner to impound said animal on said animal owner's property.
- (b) Upon impounding a dangerous animal that has attacked, bitten or injured a human being or a domestic animal, a determination hearing should be conducted within five business days of serving notice to the owner by certified mail or personal service. If the owner fails to appear at the hearing, the hearing shall nevertheless proceed, and an appropriate order may be issued. The magistrate shall determine whether to declare the animal to be a dangerous animal based upon the evidence and testimony presented at the hearing by the owner, witnesses to any incidents, or any other persons possessing information pertinent to such determination, such as veterinarians or dog obedience trainers. The magistrate shall issue written

findings within five business days after the hearing. The owner of such animal shall have a right to appeal the decision to the court of common pleas of the county within ten days of receiving such decision of the magistrate.

- (c) An animal determined to be dangerous pursuant to subsection (b) of this section which has attacked or caused injury to a human being or a domestic animal may be ordered destroyed by the magistrate when in the magistrate's judgement the dangerous animal represents a continuing threat of serious harm to human beings or other domestic animals after the quarantine period has expired. Any dangerous animal may also be destroyed if the owner of the dangerous animal relinquishes ownership or control of the animal to the Humane Society or animal control or law enforcement officer. A magistrate may return a dangerous animal to the owner if the magistrate finds that the animal will not pose a threat to human beings and/or domestic animals and that the owner has, and will, fully comply with subsections (d) and (e) of this section.
- (d) The owner of a dangerous animal shall secure and confine said dangerous animal on the owner's property in an enclosed and locked (with a key or combination lock) pen or structure, suitable to prevent the animal from escaping said pen or structure. The pen or structure shall have secure sides and a secure top which protects the animal from the elements. Also, all sides must be embedded into the ground with no less than two feet unless the bottom is secured to the sides. The structure must be kept in a clean and sanitary condition and provide adequate light and ventilation. The enclosure shall not be less than five feet by ten feet and not less than six feet high.
- (e) No person owning, harboring, or having care of a dangerous animal may permit the animal to go beyond the person's premises unless the animal is securely muzzled and restrained with a leash or chain having a minimum tensile strength of 300 pounds and not exceeding three feet in length.

Sec. 4-8. – Potentially dangerous animals.

- (a) Animal control or law enforcement officers shall have the power to summarily and immediately impound any animal where there is any evidence that the animal has chased or approached any person or domestic animal, on property other than the property of the owner, in a menacing fashion or with an apparent attitude of attack, including, but not limited to, behavior such as growling or snarling. The animal shall be kept at the county animal shelter or at a veterinarian designated by the owner at the owner's expense for quarantine pending determination of the animal's status as a potentially dangerous animal. The animal control officer or law enforcement officer may, in his discretion, allow the animal owner to impound said animal on said animal owner's property.
- (b) Upon impounding a potentially dangerous animal, a determination hearing should be conducted within five days of serving notice to the owner by certified mail or personal service. If the owner fails to appear at the hearing, the hearing shall

nevertheless proceed and an appropriate order may be issued. The magistrate shall determine whether to declare the animal to be a potentially dangerous animal based on the evidence and testimony presented at the hearing by the owner, witnesses to any incidences, and any other persons possessing information pertinent to such determination, such as veterinarians or dog obedience trainers. The magistrate shall issue written findings within five days after the hearing. The owner of such animal shall have the right to appeal such a decision to the court of common pleas of the county within ten days of receiving the decision of the magistrate.

- (c) Upon a finding that an animal is a potentially dangerous animal, the magistrate may order that the animal be forfeited by owner and placed with an agency willing to accept custody of said animal or may return said animal to the owner if the owner has and will comply with subsections (d) and (e) of this section.
- (d) The owner of a potentially dangerous animal shall secure and confine said potentially dangerous animal on the owner's property in an enclosed and locked (with key or combination lock) pen or structure, suitable to prevent the animal from escaping said pen or structure. The pen or structure shall have secure sides and a secure top which protects the animal from the elements. Also, all sides must be embedded into the ground with no less than two feet unless the bottom is secured to the sides. The structure must be kept in a clean and sanitary condition and provide adequate light and ventilation. The enclosure shall not be less than five feet by ten feet and not less than six feet high.
- (e) No person owning or harboring or having care of a potentially dangerous animal may permit the animal to go beyond the person's premises unless the animal is securely muzzled and restrained with a leash or chain having minimum tensile strength of 300 pounds and not exceeding three feet in length.

Sec. 4-9. – Animal Care.

- (a) No owner shall fail to provide his animals with:
 - (1) **Premises.** The premises upon which an animal is kept shall be kept in a clean and sanitary condition and provide adequate light, ventilation, and suitable shelter.
 - a. **Suitable shelter.** Suitable shelter is defined as a structure that is in sound condition and which reasonably may be expected to protect the animal from physical suffering or impairment of health due to exposure to the elements or adverse weather. Such structures shall have appropriately sized ingress/egress openings for the animal and shall be elevated or positioned to prevent water from running into the structure. The living area of the structure shall be kept free from garbage and the accumulation of feces, excessive mud, or standing water.

- b. **Relief from inclement weather conditions.** When possible, animals should be brought inside during inclement weather conditions. Otherwise, during cold weather (less than 40 degrees Fahrenheit), animal housing shall be properly insulated. By way of example, straw or pine shavings are materials that may provide suitable insulation and warmth, but blankets and towels tend to absorb moisture, stay wet, and may freeze to the detriment of the animal. During extremely hot weather, procedures shall be taken to keep the animal adequately cool. Note that the inside of a dog house may be hotter than outdoors. Shade is required to provide relief from the heat and is often a necessary element of adequate shelter. Trees, tarps, covered roofs may be used to block the sun and provide shade.
 - c. **Water and sustenance.** Animals shall have access to fresh drinking water at all times. Frozen, muddy, slimy, or stagnant drinking water is not permitted. Animals shall have adequate access to food at regular and proper intervals.
 - d. **Veterinary care when needed to prevent suffering; and**
 - e. **Humane care and treatment.**
- (b) No owner of an animal shall abandon such animal.
 - (c) 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 an agent of the South Carolina Department of Health and Environmental Control, by a method approved by state law.
 - (d) Any animal found abandoned, neglected, cruelly treated, or unfit for use may be seized from the owner's property by an animal control officer or law enforcement officer and impounded at the county animal shelter; provided, however, that the officer shall give notice of this seizure by posting a copy of it at the location where the animal was seized or by delivering it to a person residing on the property of the owner within 24 hours of the time the animal was seized.
 - (e) The owner of any animal impounded under the provisions of this section shall be responsible for payment of any necessary medical care as determined by a veterinarian in addition to any penalties, impoundment fees, and board fees.

Sec. 4-10. – Sterilization.

- (a) 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 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.

- (b) No animal shall be released for adoption from the county animal shelter that has not been sterilized; provided however, that the county or its contractor provides a program whereby the spay/neuter is included with the adoption fee.

Sec. 4-11. – Enforcement.

The civil and criminal provisions of this chapter shall be enforced by those persons or agencies endowed with proper county or state authority. It shall be a violation of this chapter to interfere with an animal control officer or law enforcement officer in the performance of his duties. The magistrate of the county shall have the authority to issue a bench warrant in the enforcement of this chapter.

Sec. 4-12. – Penalties for Violation of chapter.

Any person violating any provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punished by imprisonment in jail not exceeding 30 days, or by a fine not exceeding \$500.00. In addition, upon conviction of any violation under this chapter, a court may order an animal forfeited by the owner and placed with an agency willing to accept custody of the animal, where the court finds that the animal has been cruelly treated, or the owners have been convicted of allowing the animal to run at large on two or more previous occasions.

Sec. 4-13. – Applicability of Rabies Control Act.

The provisions of S.C. Code § 47-5-10, et seq., commonly known as the Rabies Control Act, are hereby adopted in their entirety, as the same may be from time to time amended, as an integral part of this chapter, except insofar as the provisions of such act may conflict with or be less restrictive than the provisions of this chapter.

Ordinance 2018-30
Attachment B

CHAPTER 4 - ANIMALS

Sec. 4-1 – Title.

This chapter shall be known as the Oconee County Animal Control Act.

Sec. 4-2 – Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned or stray animal means any animal unattended for a period of more than three days.

Animal means every nonhuman species of animal.

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

Animal control officer means any person designated by the State of South Carolina or Oconee County as an enforcement officer pursuant to S.C. Code § 47-3-30.

County animal shelter means any premises designated by Oconee County for the purpose of impound, care, or destruction of animals held under authority of this chapter and/or state law.

Dangerous animal means an animal:

1. Which the owner knows or reasonably should know has a propensity, tendency, or disposition to attack unprovoked or cause injury or otherwise endanger the safety of human beings or domestic animals;
2. Which makes an unprovoked attack that causes bodily injury to a human being, and the attack occurs in a place other than the place where the animal is confined as required by S.C. Code § 47-3-720;
3. Which commits unprovoked acts in a place other than the place where the animal is confined as required by S.C. Code § 47-3-720, and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to a human being;
4. Which is owned or harbored primarily or in part for the purpose of fighting or which is trained for fighting; or
5. Which attacks, bites, or injures a human being or domestic animal without adequate provocation, or which, because of temperament, conditioning, or

training has a known propensity to attack, bite, or injure human beings or domestic animals.

An animal shall not be considered a dangerous animal solely by virtue of its breed or species.

Humane Society means the South Carolina Society for the Prevention of Cruelty to Animals.

Owner means any person, partnership, corporation, or other entity 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, unless said person, partnership, corporation, or other entity has notified animal control to pick up stray animal.

Potentially dangerous animal means an animal that chases or approaches any person or domestic animal, anywhere other than on the property of the owner, in a menacing fashion or with an apparent attitude of attack, including, but not limited to, behavior such as growling or snarling.

Public nuisance animal means any animal, except those raised for food and/or food products, that unreasonably annoys humans, endangers the life or health of other citizens (other than its owners), or interferes with a citizen's enjoyment of life or property. Public nuisance animals include, by way of example and not limitation, an animal that:

1. Is found at large after a written complaint has been filed;
2. Damages the property of anyone other than its owner;
3. Molests or intimidates pedestrians or passersby;
4. Excessively makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
5. Causes fouling of the air off the premises of the owner by odor resulting from the owner's failure to remove feces at least every 24 hours or washing of same into an approved disposal system at least every 24 hours;
6. 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; or
7. Does not have attached a valid current rabies inoculation tag as required by state law.

Under restraint. An 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 devices or verbal command, or which is 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.

Sec. 4-3. – Authority.

This chapter is adopted pursuant to the provisions of S.C. Code § 47-3-10, et seq. and S.C. Code § 47-5-10, et seq.

Sec. 4-4. – Restraint.

- (a) All animals shall be kept under control.
- (b) No owner shall fail to exercise proper care and control of his animal to prevent it from being a public nuisance. This prohibition shall apply equally to the owner of a campground or similar transient accommodation site, who is hereby required to enforce reasonable restraint requirements upon guests who bring animals on site.
- (c) Tethering: If tethering is necessary, the animal shall be humanely tethered. Inhumane tethering includes (1) that which causes injury or illness to the tethered animal; (2) instances where the weight of the tether exceeds 1/8th of the animal's weight; (3) instances where the tether is too short for adequate mobility and separation from bodily functions (less than 10 feet) or does not allow access to food, water, shade, or shelter; (4) the use of choke or prong collars; and/or (5) the tethering of an animal under six months of age or weighing less than 20 pounds.
- (d) 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.
- (e) Every dangerous animal and potentially dangerous animal, as defined herein, shall be confined by the owner, or person responsible therefor, within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.

Sec. 4-5. – 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 the South Carolina Department of Health and Environmental Control. Likewise, animal control officers and Humane Society personnel shall promptly notify the South Carolina Department of Health and Environmental Control of animal bites or injuries to a human being and shall cooperate with the impounding and quarantining of such animal, as appropriate.

Sec. 4-6. – Impoundment.

- (a) Unrestrained and nuisance animals:
 - (1) Unrestrained and nuisance animals, upon receipt of written complaint signed by the complainant, may be taken by an animal control officer and/or law enforcement officer and impounded in the county animal shelter and there be confined in a humane manner.
 - (2) In addition to, or in lieu of, impounding an unrestrained animal, the animal control officer or law enforcement officer may issue to the owner of such

animal a notice of ordinance violation. Such notice shall impose upon the owner a written warning for the first offense. The owner shall be charged a penalty of \$125.00 for the second violation, \$150.00 for the third violation and \$200.00 for each subsequent violation. Said penalties shall be made payable to the treasurer of the county and paid at the county animal shelter within ten business days from the date of issuance in full satisfaction of the assessed penalty. In the event that such penalty is not paid within the time period described, a bench warrant shall be issued by a magistrate and, upon conviction, the owner shall be punished as provided in Section 4-12. Notwithstanding the foregoing, an animal control officer or law enforcement officer may write a ticket for a first offense if the situation or severity of the offense so warrants.

- (3) The owner of an impounded animal shall be required to pay a fee of \$10.00 per day for each day the animal is boarded by the county, actual cost for inoculation of the animal (if applicable), a \$10.00 impoundment fee, and any required medical fees. In addition, at the discretion of the animal shelter, a fee of \$75.00 and mandatory sterilization of the animal may be required if the animal is impounded on more than one occasion. The sterilization shall not be required if the owner or other person redeeming the animal provides a written statement from a licensed veterinarian that the spay or neuter procedure would be harmful to the animal due to reasons of age or health or that the animal has already been sterilized.
- (b) Notwithstanding the above, an animal control officer and/or law enforcement officer may without written complaint impound animals not having a valid current rabies inoculation tag and found off the owner's property.
- (c) Any animal held on behalf of another municipality or similar agency may be housed at the animal shelter for 30 days at no cost. After 30 days, the standard housing fee of \$10.00 per day and any required medical fees will be assessed on a daily basis. Any and all fees shall be paid by the owner of the animal.
- (d) Barring an extremely dangerous or exigent situation (for example, a feral animal), impounded dogs and cats shall not be kept for fewer than five business days.
- (e) 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. 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 ten business days.
- (f) Abandoned animals shall be impounded and shall be kept for no fewer than five business days.
- (g) Any owner reclaiming an impounded dog or cat shall pay the fee provided for in subsection (a) of this section before the animal can be released.

- (h) Any owner claiming an impounded dog or cat shall show proof that the animal is currently inoculated against rabies. If such animal is not currently inoculated against rabies, the owner shall cause the animal to be inoculated at the owner's expense.
- (i) Any animal not reclaimed by its owner within five business days, or in the case of a positively identifiable animal within ten business days, shall become the property of the local government authority and shall be placed for adoption in a suitable home, humanely disposed of as approved by state law, or sent to rescue.
- (j) The animal shelter director shall keep complete and accurate records of the care, veterinary treatment, and disposition of all animals impounded at the shelter.
- (k) It shall be unlawful for any person to release or take out of impoundment any animal without proper authority.
- (l) It shall be unlawful to resist or hinder animal control officers or law enforcement officers engaging in the capture and impoundment of an animal. It shall be unlawful to give false information to an animal control officer or law enforcement officer.
- (m) It shall be unlawful to remove the rabies tag from the dog for which the tag was issued.

Sec. 4-7. – Dangerous Animals.

- (a) Animal control and law enforcement officers shall have the power to summarily and immediately impound any animal where there is any evidence that the animal has attacked, bitten, or injured any human being or domestic animal. The animal shall be kept at the county animal shelter or at a veterinarian designated by the owner at the owner's expense for quarantine pending a determination of the animal's status as a dangerous animal. In the event an animal bites a member of the animal owner's family, and the animal owner requests that the animal be impounded by the animal owner, the animal control officer or law enforcement officer may, in his/her discretion, allow the animal owner to impound said animal on said animal owner's property.
- (b) Upon impounding a dangerous animal that has attacked, bitten or injured a human being or a domestic animal, a determination hearing should be conducted within five business days of serving notice to the owner by certified mail or personal service. If the owner fails to appear at the hearing, the hearing shall nevertheless proceed, and an appropriate order may be issued. The magistrate shall determine whether to declare the animal to be a dangerous animal based upon the evidence and testimony presented at the hearing by the owner, witnesses to any incidents, or any other persons possessing information pertinent to such determination, such as veterinarians or dog obedience trainers. The magistrate shall issue written

findings within five business days after the hearing. The owner of such animal shall have a right to appeal the decision to the court of common pleas of the county within ten days of receiving such decision of the magistrate.

- (c) An animal determined to be dangerous pursuant to subsection (b) of this section which has attacked or caused injury to a human being or a domestic animal may be ordered destroyed by the magistrate when in the magistrate's judgement the dangerous animal represents a continuing threat of serious harm to human beings or other domestic animals after the quarantine period has expired. Any dangerous animal may also be destroyed if the owner of the dangerous animal relinquishes ownership or control of the animal to the Humane Society or animal control or law enforcement officer. A magistrate may return a dangerous animal to the owner if the magistrate finds that the animal will not pose a threat to human beings and/or domestic animals and that the owner has, and will, fully comply with subsections (d) and (e) of this section.
- (d) The owner of a dangerous animal shall secure and confine said dangerous animal on the owner's property in an enclosed and locked (with a key or combination lock) pen or structure, suitable to prevent the animal from escaping said pen or structure. The pen or structure shall have secure sides and a secure top which protects the animal from the elements. Also, all sides must be embedded into the ground with no less than two feet unless the bottom is secured to the sides. The structure must be kept in a clean and sanitary condition and provide adequate light and ventilation. The enclosure shall not be less than five feet by ten feet and not less than six feet high.
- (e) No person owning, harboring, or having care of a dangerous animal may permit the animal to go beyond the person's premises unless the animal is securely muzzled and restrained with a leash or chain having a minimum tensile strength of 300 pounds and not exceeding three feet in length.

Sec. 4-8. – Potentially dangerous animals.

- (a) Animal control or law enforcement officers shall have the power to summarily and immediately impound any animal where there is any evidence that the animal has chased or approached any person or domestic animal, on property other than the property of the owner, in a menacing fashion or with an apparent attitude of attack, including, but not limited to, behavior such as growling or snarling. The animal shall be kept at the county animal shelter or at a veterinarian designated by the owner at the owner's expense for quarantine pending determination of the animal's status as a potentially dangerous animal. The animal control officer or law enforcement officer may, in his discretion, allow the animal owner to impound said animal on said animal owner's property.
- (b) Upon impounding a potentially dangerous animal, a determination hearing should be conducted within five days of serving notice to the owner by certified mail or personal service. If the owner fails to appear at the hearing, the hearing shall

nevertheless proceed and an appropriate order may be issued. The magistrate shall determine whether to declare the animal to be a potentially dangerous animal based on the evidence and testimony presented at the hearing by the owner, witnesses to any incidences, and any other persons possessing information pertinent to such determination, such as veterinarians or dog obedience trainers. The magistrate shall issue written findings within five days after the hearing. The owner of such animal shall have the right to appeal such a decision to the court of common pleas of the county within ten days of receiving the decision of the magistrate.

- (c) Upon a finding that an animal is a potentially dangerous animal, the magistrate may order that the animal be forfeited by owner and placed with an agency willing to accept custody of said animal or may return said animal to the owner if the owner has and will comply with subsections (d) and (e) of this section.
- (d) The owner of a potentially dangerous animal shall secure and confine said potentially dangerous animal on the owner's property in an enclosed and locked (with key or combination lock) pen or structure, suitable to prevent the animal from escaping said pen or structure. The pen or structure shall have secure sides and a secure top which protects the animal from the elements. Also, all sides must be embedded into the ground with no less than two feet unless the bottom is secured to the sides. The structure must be kept in a clean and sanitary condition and provide adequate light and ventilation. The enclosure shall not be less than five feet by ten feet and not less than six feet high.
- (e) No person owning or harboring or having care of a potentially dangerous animal may permit the animal to go beyond the person's premises unless the animal is securely muzzled and restrained with a leash or chain having minimum tensile strength of 300 pounds and not exceeding three feet in length.

Sec. 4-9. – Animal Care.

- (a) No owner shall fail to provide his animals with:
 - (1) Premises. The premises upon which an animal is kept shall be kept in a clean and sanitary condition and provide adequate light, ventilation, and suitable shelter.
 - a. Suitable shelter. Suitable shelter is defined as a structure that is in sound condition and which reasonably may be expected to protect the animal from physical suffering or impairment of health due to exposure to the elements or adverse weather. Such structures shall have appropriately sized ingress/egress openings for the animal and shall be elevated or positioned to prevent water from running into the structure. The living area of the structure shall be kept free from garbage and the accumulation of feces, excessive mud, or standing water.

- b. **Relief from inclement weather conditions.** When possible, animals should be brought inside during inclement weather conditions. Otherwise, during cold weather (less than 40 degrees Fahrenheit), animal housing shall be properly insulated. By way of example, straw or pine shavings are materials that may provide suitable insulation and warmth, but blankets and towels tend to absorb moisture, stay wet, and may freeze to the detriment of the animal. During extremely hot weather, procedures shall be taken to keep the animal adequately cool. Note that the inside of a dog house may be hotter than outdoors. Shade is required to provide relief from the heat and is often a necessary element of adequate shelter. Trees, tarps, covered roofs may be used to block the sun and provide shade.
 - c. **Water and sustenance.** Animals shall have access to fresh drinking water at all times. Frozen, muddy, slimy, or stagnant drinking water is not permitted. Animals shall have adequate access to food at regular and proper intervals.
 - d. Veterinary care when needed to prevent suffering; and
 - e. Humane care and treatment.
- (b) No owner of an animal shall abandon such animal.
 - (c) 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 an agent of the South Carolina Department of Health and Environmental Control, by a method approved by state law.
 - (d) Any animal found abandoned, neglected, cruelly treated, or unfit for use may be seized from the owner's property by an animal control officer or law enforcement officer and impounded at the county animal shelter; provided, however, that the officer shall give notice of this seizure by posting a copy of it at the location where the animal was seized or by delivering it to a person residing on the property of the owner within 24 hours of the time the animal was seized.
 - (e) The owner of any animal impounded under the provisions of this section shall be responsible for payment of any necessary medical care as determined by a veterinarian in addition to any penalties, impoundment fees, and board fees.

Sec. 4-10. – Sterilization.

- (a) 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 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.

- (b) No animal shall be released for adoption from the county animal shelter that has not been sterilized; provided however, that the county or its contractor provides a program whereby the spay/neuter is included with the adoption fee.

Sec. 4-11. – Enforcement.

The civil and criminal provisions of this chapter shall be enforced by those persons or agencies endowed with proper county or state authority. It shall be a violation of this chapter to interfere with an animal control officer or law enforcement officer in the performance of his duties. The magistrate of the county shall have the authority to issue a bench warrant in the enforcement of this chapter.

Sec. 4-12. – Penalties for Violation of chapter.

Any person violating any provisions of this chapter shall be deemed guilty of a misdemeanor and shall be punished by imprisonment in jail not exceeding 30 days, or by a fine not exceeding \$500.00. In addition, upon conviction of any violation under this chapter, a court may order an animal forfeited by the owner and placed with an agency willing to accept custody of the animal, where the court finds that the animal has been cruelly treated, or the owners have been convicted of allowing the animal to run at large on two or more previous occasions.

Sec. 4-13. – Applicability of Rabies Control Act.

The provisions of S.C. Code § 47-5-10, et seq., commonly known as the Rabies Control Act, are hereby adopted in their entirety, as the same may be from time to time amended, as an integral part of this chapter, except insofar as the provisions of such act may conflict with or be less restrictive than the provisions of this chapter.

SECTION 47-1-10. Definitions.

As used in this chapter:

(1) "Animal" means a living vertebrate creature except a homo sapien.

CHAPTER 1 - CRUELTY TO ANIMALS

CHAPTER 2 - LARGE WILD CATS, NON-NATIVE BEARS AND GREAT APES

CHAPTER 3 - DOGS AND OTHER DOMESTIC PETS

CHAPTER 4 - STATE LIVESTOCK-POULTRY HEALTH COMMISSION

CHAPTER 5 - RABIES CONTROL

CHAPTER 6 - PSEUDORABIES CONTROL AND ERADICATION ACT

CHAPTER 7 - ESTRAYS; LIVESTOCK TRESPASSING OR RUNNING AT LARGE

CHAPTER 9 - LIVESTOCK GENERALLY

CHAPTER 11 - SALE, GRADING AND INSPECTION OF LIVESTOCK

CHAPTER 13 - DISEASES AND INFECTIONS

CHAPTER 15 - FEEDING OF GARBAGE TO SWINE

CHAPTER 17 - MEAT AND MEAT FOOD

CHAPTER 19 - POULTRY PRODUCTS INSPECTION LAW

CHAPTER 20 - CONFINED SWINE FEEDING OPERATIONS

**CHAPTER 21 - FARM ANIMAL, CROP OPERATION, AND RESEARCH FACILITIES
PROTECTION ACT**

CHAPTER 22 - RENDERING OF LIVESTOCK AND POULTRY RAW MATERIAL

SECTION 2. Chapter 1, Title 47 of the 1976 Code is amended by adding:

"ARTICLE 2
Tethering of Dogs

Section [47-1-300](#). As used in this article:

(1) 'Adequate feed' means the provision to a dog at suitable intervals of a quantity of wholesome foodstuff suitable for the dog's species and age, sufficient to maintain a reasonable level of nutrition in each dog. The foodstuff must be served in a receptacle, dish, or container suitable for animal consumption.

(2) 'Adequate water' means access to a supply of water provided to a dog in a manner suitable for animal consumption and at suitable intervals for the dog's species.

(3) 'Cruel tethering' means to tether a dog in a manner that:

(a) causes injury or illness to the dog as determined by a veterinarian;

(b) utilizes a tether that exceeds one-eighth of the body weight of the dog;

(c) utilizes a tether that is too short for an unattended dog to move around or for the dog to urinate or defecate in a separate area from the area where it must eat, drink, or lie down; or

(d) does not permit the dog access to adequate food, adequate water, shade, or shelter.

(4) 'Unattended' means beyond the visual sight of the owner, handler, or caretaker.

(5) 'Tether' means to confine a dog by attaching it to a stationary object by means of a chain, rope, cable, trolley, running line, or similar device.

Section [47-1-310](#). (A) A dog tethered unattended for more than sixty minutes shall be provided continuous access to shelter, and the chain, rope, cable, trolley, or running line to which the dog is attached shall be of sufficient length to provide the dog access to an area of usable space that equals the greater of fifty square feet or one square foot for every one pound of the dog's weight.

(B) It is unlawful to tether a dog by means of a choke collar or prong collar.

(C) It is unlawful to tether a dog younger than six months of age.

(D) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined fifty dollars for a first offense and not more than one hundred dollars for each subsequent offense, except it shall not be a violation to tether a dog if:

(1) the owner, handler, or caretaker has been mandated by an animal control or law enforcement authority of the State to keep a dangerous dog restrained by use of a tether;

(2) the owner, handler, or caretaker has tethered a dog pursuant to the requirements of a park or camping or recreational area;

(3) the owner, handler, or caretaker has tethered a dog while actively engaged in the activity of shepherding or herding cattle, sheep, or other livestock or in conduct that is directly related to the business of cultivating agricultural products;

(4) the owner, handler, or caretaker has tethered a dog while engaged in lawful hunting;

(5) the owner, handler, or caretaker has tethered a dog while engaged in training for or participation in recognized exhibitions, events, tests, and trials; or

(6) the dog is tethered while being groomed, receiving veterinary care, or participating in other accepted dog husbandry purposes.

Section [47-1-320](#). A person who cruelly tethers a dog is guilty of a misdemeanor and, upon conviction, must be punished by imprisonment not exceeding ninety days or by a fine of not less than one hundred dollars nor more than one thousand dollars, or both, for a first offense; or by imprisonment not exceeding two years or by a fine not exceeding two thousand dollars, or both, for a second or subsequent offense."

SECTION 3. Section [47-3-10](#) of the 1976 Code is amended to read:

"Section [47-3-10](#). For the purpose of this article:

(1) 'Animal' is defined as provided for in Chapter 1;

(2) 'Animal shelter' includes any premises designated by the county or municipal governing body for the purpose of impounding, care, adoption, or euthanasia of dogs and cats held under authority of this article;

(3) 'Dog' includes all members of the canine family, including foxes and other canines;

(4)(a) A dog is deemed to be 'running at large' if 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;

(5)(b) A dog is deemed to be 'under restraint' if on the premises of its owner or keeper or if accompanied by its owner or keeper and under the physical control of the owner or keeper by means of a leash or other similar restraining device;

(6)(4) 'Cat' includes all members of the feline family;

(5) 'Community cat' means a feral or friendly, free-roaming cat that is without discernable owner identification of any kind and that has been sterilized, vaccinated, and ear-tipped.

(6) 'Ear-tipping' is the removal of approximately one quarter-inch from the tip of a community cat's left ear while the cat is anesthetized for sterilization.

(7) 'Litter' means multiple offspring that are born at one time from the same mother.

(8) 'Trap-neuter-return' means the method by which community cats are humanely trapped, spayed or neutered, vaccinated, ear-tipped, and returned to the location where they were living.

(7)(9) 'Vicious dog' means any dog evidencing an abnormal inclination to attack persons or animals without provocation."

SECTION 4. Section [47-3-60](#) of the 1976 Code is amended to read:

"Section [47-3-60](#). (A) 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 organization established for the purpose of caring for animals, such as the Humane Society.

(B) Notwithstanding subsection (C), 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.

~~(B)~~(C) 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 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 organization established for the purpose of caring for animals, such as the Humane Society.

(D) All healthy, unidentifiable cats found or picked up from an outside area and considered stray may be sterilized within twenty-four hours and then, twenty-four hours after surgery if sufficiently recovered, may be returned to the area in which they were found. Community cats are eligible for trap-neuter-return or a community cat program.

~~(C)~~(E) Complete records must be kept by shelter officials as to the disposition of all animals impounded."

SECTION 5. Chapter 1, Title 47 of the 1976 Code is amended by adding:

"Section 47-1-145. (A) Any person, organization, or other entity that is awarded custody of an animal under the provisions of Section 47-1-150 because of the arrest of a defendant for a violation of any provision of Chapter 1, Title 47 or Chapter 27, Title 16 and that provides services to the animal without compensation may file a petition with the court requesting that the defendant, if found guilty, be ordered to deposit funds in an amount sufficient to secure payment of all the reasonable expenses incurred by the custodian in caring for and providing for the animal pending the disposition of the litigation. In the absence of a conviction, the county or municipality making the arrest shall pay the reasonable expenses of the custodian. For purposes of this section, 'court' refers to municipal or magistrate's court and 'reasonable expenses' includes the cost of providing food, water, shelter, and care, including medical care, but does not include extraordinary medical procedures.

(B) The court shall, at the time of adjudication, determine the actual cost of care for the animal that the custodian incurred pursuant to subsection (A). Either party may demand that the trial be given priority over other cases.

(C)(1) If the court makes a final determination of the charges or claims against the defendant in his favor, then the defendant may recover custody of his animal.

(2) If the defendant is found guilty, then the custodian of the animal may then determine if the animal is suitable for adoption and if adoption can be arranged for the animal. The animal may not be adopted by the defendant or by any person residing in the defendant's household if the defendant was found guilty. If no adoption can be arranged after the forfeiture, or the animal is unsuitable for adoption, then the custodian shall humanely euthanize the animal.

(D) Within thirty days of an animal's impoundment, the animal's custodian must provide a good faith estimate, pursuant to subsection (A), of the daily custodial cost of the impounded animal. Upon receipt of the good faith estimate, the court shall then issue a notice to the defendant about his impounded animal that includes:

- (1) an estimate of the daily custodial costs required to care for the animal;
- (2) a statement that the defendant, if found guilty, shall be required to pay for the animal's care during impoundment; and
- (3) a statement that the defendant, at any time prior to final adjudication, has the right to forfeit ownership of the animal and avoid all future custodial costs related to the animal's care, but not costs already accrued.

(E) The remedy provided for in this section is in addition to any other remedy provided by law."

SECTION 6. Section [56-3-9600](#)(B) of the 1976 Code is amended to read:

"(B)(1) Notwithstanding another provision of law, of the fees collected pursuant to this section, the Comptroller General shall place into the State Highway Fund as established by Section [57-11-20](#), to be distributed as provided in Section [11-43-167](#), an amount equal to the expenses of the Department of Motor Vehicles in producing and administering the special license plates. The remaining funds collected from the special motor vehicle license fee must be deposited in a special account, separate and apart from the general fund, designated for use by the South Carolina Department of Agriculture to support local animal spaying and neutering programs. The South Carolina Department of Agriculture may use up to ten percent of the fees deposited in the special account for the administration of the program. Local private nonprofit tax exempt organizations offering animal spaying and neutering programs may apply for grants from this fund to further their tax exempt purposes. ~~Grants must be awarded not more than once a year, and an applicant must receive as a grant an amount of the total revenues in the fund multiplied by the percentage that the applicant's caseload in the preceding calendar year was of the total caseload of all applicants in that year.~~

(2) An agency may apply for up to two thousand dollars per grant application at the beginning of each fiscal year and may apply for multiple grants during a fiscal year. Total available grant funds shall be based on the amount of funds collected each previous fiscal year. Grants must specify how many surgeries will be performed and the species and gender of the animals undergoing surgery. Agencies may only apply for one grant at a time. Once a grant is fulfilled, an agency may apply for another grant, provided that funds are available. Grants must be fulfilled within six months of receiving funds. Once grants are completed, agencies must submit to No More Homeless Pets / SCACCA a report identifying each person participating; the basis of eligibility for the program; spaying or neutering; dates of spaying or neutering and of rabies vaccines if applicable; descriptions of animals, including gender; and the appropriate amount charged toward the grant. Any unused funds must be returned. If a co-pay was charged to participating individuals, then that amount must also be included. The Department of Agriculture shall encourage participation from Tier 3 and Tier 4 counties.

(3) The South Carolina Animal Care and Control Association (SCACCA), or its successor organization, on behalf of the tax exempt organizations, shall coordinate the grant program, make the request for reimbursement from the Department of Agriculture, and distribute the individual grants to the participating tax exempt organizations."

SECTION 7. Section 40-69-30 of the 1976 Code is amended to read:

"Section 40-69-30. (A) A person may not practice veterinary medicine without a license issued in accordance with this chapter, except as provided in subsection (B). A person who uses in connection with his name the words or letters 'D.V.M.', 'V.M.D.', 'Doctor of Veterinary Medicine', 'Veterinary Medical Doctor', or other letters, words, or insignia indicating or implying that one is engaged in the practice of veterinary medicine or who in any other way, orally or in writing or in print or by sign directly or by implication, represents oneself as engaged in the practice of a veterinary medicine without being licensed by the board is subject to the penalties provided for in this chapter.

(B)(1) During an emergency or natural disaster, a veterinarian or veterinary technician who is not licensed in accordance with this chapter, but is licensed and in good standing in another jurisdiction, may obtain an emergency limited license to practice veterinary medicine related to the response efforts in locations in this State if:

(a) an official declaration of a state of emergency has been made by the Governor of this State or his delegated state official; and

(b) an official invitation has been extended to the veterinarian or veterinary technician for a specified time by the Governor during emergencies.

(2) An applicant for an emergency limited license must submit documentation as may be acceptable to the board under the circumstances to demonstrate eligibility for the limited license, including documentation of an existing license in good standing."

SECTION 8. Section 47-3-470(3) of the 1976 Code is amended to read:

"(3) 'Public or private ~~animal-refuge~~ rescue organization' means harborers of unwanted animals of any breed, including crossbreeds, who provide food, shelter, and confinement for a group of dogs, a group of cats, or a combination of dogs and cats."

SECTION 9. Section 47-3-480 of the 1976 Code is amended to read:

"Section 47-3-480. (A) A public or private animal shelter, animal control agency operated by a political subdivision of this State, humane society, or public or private ~~animal-refuge~~ rescue organization shall make provisions for the sterilization of all dogs or cats acquired from the shelter, agency, society, or ~~refuge~~ rescue organization by:

(1) providing sterilization by a licensed veterinarian before relinquishing custody of the animal; or

(2) entering into a written agreement with the person acquiring the animal guaranteeing that sterilization will be performed by a licensed veterinarian within thirty days after acquisition of a sexually mature animal or no later than six months of age except upon a written statement issued by a licensed veterinarian stating that such surgery would threaten the life of the animal.

(B) This section does not apply to a privately owned animal which the shelter, agency, society, or ~~refuge~~ rescue organization may have in its possession for any reason if the owner of the animal claims or presents evidence that the animal is his property.

(C) All costs of sterilization pursuant to this section are the responsibility of the person acquiring the animal and, if performed before acquisition, may be included in the fees charged by the shelter, agency, society, or ~~refuge~~ rescue organization for the animal.

(D) A person acquiring an animal from a shelter, an agency, a society, or a ~~refuge~~ rescue organization which is not sterile at the time of acquisition shall submit

to the shelter, agency, society, or ~~refuge~~ rescue organization a signed statement from the licensed veterinarian performing the sterilization required by subsection (A) within seven days after sterilization attesting that the sterilization has been performed."

SECTION 10. Section 47-3-490 of the 1976 Code is amended to read:

"Section 47-3-490. A person who fails to comply with Section 47-3-480(A)(2) or 47-3-480(D) must forfeit ownership of the dog(s) or cat(s) acquired from the shelter, agency, society, or ~~refuge~~ rescue organization which adopted the animal to the owner. In addition to forfeiting ownership, the person who acquired the animal must pay to the shelter, agency, society, or ~~refuge~~ rescue organization the sum of ~~\$200.00~~ two hundred dollars as liquidated damages. Such remedies shall be in addition to any other legal or equitable remedies as may be available to the shelter, agency, society, or ~~refuge~~ rescue organization for breach of the written agreement as provided for in Section 47-3-480(A)(2) or failure to comply with Section 47-3-480(D)."

SECTION 11. Chapter 3, Title 47 is amended by adding:

SECTION 11. Chapter 3, Title 47 is amended by adding:

"ARTICLE 16
Shelter Standards

Section [47-3-1010](#). For the purpose of this article:

(1) 'Animal control officer' means a person who is employed, appointed, or otherwise engaged primarily to enforce laws relating to animal control.

(2)(a) 'Animal sheltering facility' means:

(i) a county or municipal animal control facility that has adopted the standards established in this article;

(ii) a private or non-profit facility that contracts with a county or municipality for animal control; or

(iii) a private or non-profit facility that shelters at least eight unwanted dogs or cats at one time and has solicited donations from the public.

(b) Two or more animal sheltering facilities that have the same or a similar purpose and operate from one place or premises shall be considered a single facility.

(3) 'Primary enclosure' means a structure or device used to restrict an animal to a limited amount of space, such as a room, pen, run, cage, compartment, or hutch, where an animal will sleep, eat, and spend the majority of its time.

(4) 'Temporary enclosure' means a cage or crate designed for short-term, temporary confinement or travel, including, but not limited to, airline crates and transport carriers. Dogs and cats may be housed in temporary enclosures for no longer than seventy-two hours after being taken into custody by an animal shelter.

Section [47-3-1020](#). Animal control officers shall have the duty to enforce the provisions of this article, including the investigation of complaints against, and the inspection of, animal sheltering facilities.

Section [47-3-1030](#). (A) An animal control officer may inspect all animal sheltering facilities within the county in which he has jurisdiction and shall investigate all complaints about the care and welfare of animals in such facilities. Inspections shall be unannounced and shall occur within the normal business hours of the animal sheltering facility. Inspections shall be performed at least annually, and up to two

routine inspections may be conducted per year. Additional inspections may be performed based on probable cause to believe an animal sheltering facility might be or is in violation of these and other applicable standards, pursuant to Section [17-13-140](#).

(B) An animal control officer shall document the inspection, investigation, or both, and present copies of the report to the facility.

(C) The document referred to in subsection (B) shall be developed by the State Board of Veterinary Medical Examiners and shall be made available, in an electronic format, to animal control officers for use during an inspection or investigation. The document shall contain a pass/fail analysis covering the standards provided pursuant to this article.

Section [47-3-1040](#). All animal sheltering facilities shall:

(1) separate animals by species in primary enclosures, separate unaltered male and female animals of the same species of reproductive age at all times, and ensure that all animals in the same enclosure at the same time are compatible;

(2) provide adequate housing, including:

(a) isolation of sick or injured animals sufficient to protect the health or safety of other animals. Animals diagnosed with or suspected of communicable illness must be physically isolated from healthy animals either by permanent or temporary barriers sufficient to prevent the transmission of airborne and physical contaminants, and all appropriate steps must be taken to minimize transmission of disease;

(b) indoor housing facilities with protection from extreme temperatures and weather conditions that may be hazardous to the animals, including heated quarters during cold weather. Whenever possible, animals' primary housing should be indoors;

(c) indoor housing facilities that are: sanitary and in good repair; free of standing water; constructed of solid flooring (no mesh, wire, or slatted floors); sufficiently ventilated to provide for the animals' health and well-being and to minimize odors, drafts, ammonia levels, and moisture condensation; and ideally constructed of nonporous and easily disinfected surfaces. Ambient temperature must not fall below fifty degrees Fahrenheit or rise above eighty-five degrees Fahrenheit if animals are present, unless expressly authorized by a veterinarian;

(d) outdoor housing facilities, if outdoor structures are used to house animals, that are large enough to accommodate all animals in the enclosure simultaneously and allow the animals to remain dry and protected from extreme temperature or weather

conditions that may be hazardous to the animals. Outdoor housing should not be considered suitable primary enclosures for cats and dogs unless no reasonable indoor option is available;

(e) primary enclosures for dogs that are at least six inches higher than the head of the tallest dog in the enclosure when the dog is in a normal standing position; that allow sufficient space for sleeping, eating, and elimination; and that ensure each animal has sufficient room to engage in normal behaviors;

(f) primary enclosures for cats that allow each animal to fully extend its limbs, including its tail, and that allow for sleeping, eating, and elimination areas. Enclosures ideally should provide two feet of triangulated distance between bedding, litterbox, and food and water bowls; and

(g) primary enclosures for all animals that are large enough for each animal to turn about freely, stand erect, lie down in a natural position, and fully extend its limbs;

(3) clean primary enclosures and housing facilities to remove feces, hair, dirt, debris, and food waste at least daily, or more often if necessary, to prevent accumulation and to reduce disease hazards, insects, pests, and odors. While animals need not necessarily be removed from housing areas during cleaning, they may not be permitted to come into direct contact with disinfectants, cleaning solutions, or other potentially harmful products, nor may they be permitted to become wet during the cleaning process, either directly or indirectly; in no case may high pressure water systems be used to clean kennels with animals still inside them;

(4) provide adequate veterinary care for sick or injured animals, such that animals suspected of illness or injury receive veterinary care within twenty-four hours, or forty-eight hours for an animal received by a county facility on a weekend or holiday, and are provided prescribed medication necessary to alleviate pain;

(5) provide continuous access to potable, uncontaminated water that is not frozen and is readily accessible to all animals in the enclosure, unless otherwise directed by a veterinarian for the health of the animal;

(6) provide palatable, uncontaminated food at least once daily, unless otherwise directed by a veterinarian for the health of the animal;

(7) ensure each animal is individually observed at least once in every twenty-four hour period by an animal shelter employee tasked with overseeing the welfare and care of the animals;

(8) provide all animals with daily enrichment to ensure adequate mental and physical stimulation, either outside or inside the animals' primary enclosure. Dogs should be removed from their primary enclosures for exercise for the purposes of walking and playing at least three times per week, unless inclement weather; isolation, quarantine, or health restrictions; or staffing limitations prevent their removal. In such cases, shelters must document daily in-kennel enrichment provided to maintain the physical and psychological well-being of dogs not afforded outdoor exercise; and

(9) keep written records of the care of each animal, including, but not limited to, individual observation of each animal and veterinary treatment, and provide these records to an animal control officer or other inspector authorized by Section [47-3-1030](#), upon request.

Section [47-3-1050](#). (A) Animal control officers shall have the authority to issue orders to address violations of this section, including, but not limited to, ordering the suspension of intake of animals until violations are corrected and ordering the permanent closure of a facility.

(B) If the animal control officer finds that the animal sheltering facility is not in compliance with the standards established in Section [47-3-1040](#), then the animal control officer shall issue orders as follows:

(1) For the first non-compliant inspection, the animal sheltering facility shall be issued a warning and shall be re-inspected thirty days after the date of the first inspection.

(2) If, after the second inspection, the animal sheltering facility remains non-compliant, then the facility shall be subject to a fine of not less than \$100 nor more than \$500, or the animal control officer or other authorized inspector shall issue an order requiring the facility to suspend intake of animals for a period of fifteen to thirty days, as needed, to address the non-compliance. After such a period, the animal sheltering facility shall be re-inspected.

(3) If, after the third inspection, the animal sheltering facility remains non-compliant, then the animal control officer or other authorized inspector may issue an order permanently closing the facility. Such an order shall grant the animal sheltering facility a period of ninety days, as needed, to transfer all animals in the facility to other facilities, organizations, or individuals within the State. Animals from facilities subject to a closure order may be transferred out of the State as long as the transfer does not violate the laws of this State or of the importing state.

(C) If a facility is closed pursuant to this section, then arrangements shall be made by facility and inspecting authorities to transport the animals to another animal sheltering facility.

(D) Nothing in this section prevents any local, state, or federal law enforcement agency from investigating animal cruelty in an animal sheltering facility.

Section [47-3-1060](#). Nothing in this article shall be construed as requiring the purchase of equipment, the hire of additional personnel, or the construction of additional buildings or other structures."

SECTION 12. The General Assembly finds it is the best practice for a shelter, public or private, to prepare and maintain records documenting the number of animals admitted to the facility and the method by which those animals exit the facility, whether by adoption, fostering, natural death, euthanasia, transfer to another state, or other means of discharge.

SECTION 13. This act takes effect upon approval by the Governor.

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Code of Laws

TITLE 47. ANIMALS, LIVESTOCK, AND POULTRY

CHAPTER 3. Dogs and Other Domestic Pets

ARTICLE 1. Regulation by Counties and Municipalities

SECTION 47-3-10. Definitions.

For the purpose of this article:

- (1) "Animal" is defined as provided for in Chapter 1;
- (2) "Animal shelter" includes any premises designated by the county or municipal governing body for the purpose of impounding, care, adoption, or euthanasia of dogs and cats held under authority of this article;
- (3) "Dog" includes all members of the canine family, including foxes and other canines;
- (4) A dog is deemed to be "running at large" if 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;
- (5) A dog is deemed to be "under restraint" if on the premises of its owner or keeper or if accompanied by its owner or keeper and under the physical control of the owner or keeper by means of a leash or other similar restraining device;
- (6) "Cat" includes all members of the feline family;
- (7) "Vicious dog" means any dog evidencing an abnormal inclination to attack persons or animals without provocation.

HISTORY: 1962 Code § 6-145.1; 1972 (57) 2733; 2000 Act No. 293, § 1, eff May 19, 2000.

SECTION 47-3-20. Local animal care and control ordinances authorized.

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.

HISTORY: 1962 Code § 6-145; 1972 (57) 2733; 1975 (59) 235; 2000 Act No. 293, § 1, eff May 19, 2000.

SECTION 47-3-30. Establishment of animal shelters; funding.

The governing body of the county or municipality is authorized to establish an animal shelter for the county or municipality for the purpose of impounding and quarantining dogs and quarantining cats and shall employ such personnel, including enforcement personnel, as may be necessary to administer the provisions of this article. If an animal shelter is established, funds to establish and operate the shelter and employ necessary personnel may be provided in the annual county or municipal appropriations.

HISTORY: 1962 Code § 6-145.2; 1972 (57) 2733; 2000 Act No. 293, § 1, eff May 19, 2000.

SECTION 47-3-40. Impoundment or quarantine of cat or dog running at large; release to owner.

The county or municipal animal shelter personnel or governmental animal control officers shall pick up and impound or quarantine any dog running at large or quarantining any cat. To obtain release of his dog or cat, an owner or keeper must satisfy the animal shelter personnel that the dog or cat is currently inoculated against rabies and also pay an impound or quarantine fee determined by the governing body of the county or municipality. Payment of this fee bars prosecution under Section 47-3-50. All fees collected must be delivered to the county or municipal treasurer for deposit in the general fund of the county or municipality.

HISTORY: 1962 Code § 6-145.3; 1972 (57) 2733; 2000 Act No. 293, § 1, eff May 19, 2000.

SECTION 47-3-50. Allowing dogs or cats to run at large; penalty.

(A) It is unlawful in any county or municipality adopting penalty provisions pursuant to the provisions of this article for any dog or cat owner or other keeper of a dog or cat to:

- (1) allow his dog to run at large off of property owned, rented, or controlled by him;
- (2) keep a vicious or unruly dog unless under restraint by a fence, chain, or other means so that the dog cannot reach persons not on land owned, leased, or controlled by him;
- (3) release or take out of impoundment or quarantine without proper authority any dog or cat or resist county or municipal shelter personnel engaging in the capture and impoundment or quarantine of a dog or quarantining of a cat.

(B) Any person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined fifty dollars for a first offense and not more than one hundred dollars for each subsequent offense.

HISTORY: 1962 Code § 6-145.4; 1972 (57) 2733; 2000 Act No. 293, § 1, eff May 19, 2000.

SECTION 47-3-55. Animal shelter personnel to contact owner if known; implant of identifying microchip in adopted or redeemed dogs and cats.

(A) If an animal shelter accepts or comes into possession of a dog or cat, the shelter immediately and thoroughly must scan the dog or cat for a tattoo, any implanted microchip, or similar device, which provides evidence of ownership and, upon finding it, immediately must make a good faith effort to contact the identified owner as required by Section 47-3-540.

(B) If an animal shelter or its officers, directors, or staff have made a good faith effort to comply with the provisions of subsection (A), they must be held harmless, as well as the manufacturer, against any action at law or otherwise, civil or criminal, for failure to detect a microchip or similar device and undertake the action specified in subsection (A).

(C) If a dog or cat is adopted or redeemed from an animal shelter, a licensed veterinarian or an animal shelter employee under the direction of a licensed veterinarian may implant a microchip in the dog or cat adopted or redeemed. The animal shelter shall record the date the microchip was implanted, the name, address, and telephone number of the person adopting or redeeming the dog or cat, an identification number unique to the dog or cat adopted or redeemed, the name, address, and telephone number of the animal shelter that sheltered the dog or cat before adoption or redemption, and the date the dog or cat was adopted or redeemed. The animal shelter must keep a record of all microchips implanted pursuant to this subsection.

(D) The animal shelter is not required to adhere to subsection (A), if the necessary scanner is not provided free of charge or at a reasonable cost as determined by the county or municipality.

(E) The owner redeeming his dog or cat must elect to have a microchip implanted.

HISTORY: 2000 Act No. 293, § 1, eff May 19, 2000.

SECTION 47-3-60. Disposition of quarantined or impounded animals.

(A) 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 organization established for the purpose of caring for animals, such as the Humane Society.

(B) After any animal has been impounded for five 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 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 organization established for the purpose of caring for animals, such as the Humane Society.

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

HISTORY: 1962 Code § 6-145.5; 1972 (57) 2733; 2000 Act No. 293, § 1, eff May 19, 2000.

SECTION 47-3-70. County and municipal powers not limited by article.

Nothing in this article may be construed to limit the power of any municipality or county to prohibit animals from running at large, whether or not they have been inoculated as provided in this article; and nothing in this article may be construed as to limit the power of any municipality or county to regulate and control further in the county or municipality to enforce other and additional measures for the restriction and control of rabies.

HISTORY: 1962 Code § 6-145.6; 1972 (57) 2733; 2000 Act No. 293, § 1, eff May 19, 2000.

SECTION 47-3-75. Transfer of domestic animal to animal shelter ten days after date owner was to pick up animal; requirements.

(A) An animal delivered to a veterinarian, a dog kennel, a cat kennel, an animal hospital, another animal care facility, or to a person who boards domestic animals on the person's premises for a fee may be transferred to an appropriate animal shelter ten days after the date the owner failed to pick up the animal as agreed to pursuant to a written contract or agreement. The animal may be transferred only if the written contract or agreement provides for the transfer and if an attempt is made to notify the owner by regular mail and by certified mail at the owner's last known address on the date the owner failed to pick up the animal as agreed.

(B) A person who boards animals of others pursuant to subsection (A) shall post written notice of the provisions of this section at the person's place of business.

(C) A person who fails to pick up an animal as provided for in subsection (A), who fails to pay his boarding fees in a timely manner, or who abandons an animal at an animal hospital, a dog kennel, a cat kennel, another animal care facility, or boarding facility is guilty of a misdemeanor and, upon conviction, may be imprisoned not more than thirty days or fined not more than two hundred dollars.

HISTORY: 1992 Act No. 354, § 1, eff May 4, 1992; 1996 Act No. 436, § 1, eff upon approval

(became law without the Governor's signature on June 6, 1996); 2000 Act No. 293, § 1, eff May 19, 2000.

ARTICLE 2. Liability to Person Bitten or Otherwise Attacked by Dog

SECTION 47-3-110. Liability for attacks by dogs, provoked attacks, trained law enforcement dogs.

(A) If a person is bitten or otherwise attacked by a dog while the person is in a public place or is lawfully in a private place, including the property of the dog owner or person having the dog in the person's care or keeping, the dog owner or person having the dog in the person's care or keeping is liable for the damages suffered by the person bitten or otherwise attacked. For the purposes of this section, a person bitten or otherwise attacked is lawfully in a private place, including the property of the dog owner or person having the dog in the person's care or keeping, when the person bitten or otherwise attacked is on the property in the performance of a duty imposed upon the person by the laws of this State, the ordinances of a political subdivision of this State, the laws of the United States of America including, but not limited to, postal regulations, or when the person bitten or otherwise attacked is on the property upon the invitation, express or implied, of the property owner or a lawful tenant or resident of the property.

(B) This section does not apply if, at the time the person is bitten or otherwise attacked:

(1) the person who was attacked provoked or harassed the dog and that provocation was the proximate cause of the attack; or

(2) the dog was working in a law enforcement capacity with a governmental agency and in the performance of the dog's official duties provided that:

(a) the dog's attack is in direct and complete compliance with the lawful command of a duly certified canine officer;

(b) the dog is trained and certified according to the standards adopted by the South Carolina Law Enforcement Training Council;

(c) the governmental agency has adopted a written policy on the necessary and appropriate use of dogs in the dog's official law enforcement duties;

(d) the actions of the dog's handler or dog do not violate the agency's written policy;

(e) the actions of the dog's handler or dog do not constitute excessive force; and

(f) the attack or bite does not occur on a third party bystander.

HISTORY: 1986 Act No. 343; 2013 Act No. 62, § 1, eff June 12, 2013.

ARTICLE 3. Sheep-Killing Dogs

SECTION 47-3-210. Buying, selling, receiving, or keeping sheep-killing dog prohibited.

No persons shall buy, sell, receive, give away or otherwise own, control, have or keep in possession any dog commonly called "sheep-killing" and known to be such. The violation, knowingly, in any one or all respects of the foregoing prohibition shall be a misdemeanor punishable, upon conviction, by a fine not exceeding one hundred dollars or imprisonment for not exceeding thirty days.

HISTORY: 1962 Code § 6-101; 1952 Code § 6-101; 1942 Code § 1178; 1932 Code § 1178; Cr. C. '22 § 68; Cr. C. '12 § 212; 1909 (26) 121.

SECTION 47-3-220. Dog found in act of worrying or destroying sheep may be killed.

Any person who may find any dog in the act of worrying or destroying any sheep in this State may kill such dog and such person shall not for so doing be held to answer to any action, civil or criminal.

HISTORY: 1962 Code § 6-102; 1952 Code § 6-102; 1942 Code § 3422; 1932 Code § 3422; Civ. C. '22 § 1038; Civ. C. '12 § 3437; Civ. C. '02 § 2351; G. S. 1701; R. S. 1835; 1878 (16) 563.

SECTION 47-3-230. Liability of owner of sheep-killing dog for payment to owner of sheep killed or injured.

The owner of or person having in his care or keeping any dog shall be liable to pay to the person damaged double the value of any sheep that may be killed or injured by such dog, to be recovered by action at the suit of the person damaged in any court having competent jurisdiction. In all such actions the recovery of ten dollars or more shall carry costs.

HISTORY: 1962 Code § 6-104; 1952 Code § 6-104; 1942 Code § 3423; 1932 Code § 3423; Civ. C. '22 § 1039; Civ. C. '12 § 3438; Civ. C. '02 § 2352; G. S. 1702; R. S. 1836; 1859 (12) 826.

ARTICLE 5. Feral Dogs

SECTION 47-3-310. Disposal or removal of feral dogs from certain property.

On game management areas, state-owned property and property of private landowners and leaseholders, at the request of such landowners and leaseholders, specially trained enforcement officers of the Natural Resources Enforcement Division of the Department of Natural Resources may enter on such areas and property for the purpose of investigating dogs running at large on the property. If the dogs are determined to be feral dogs (a dog which has reverted to a wild state) and are a threat to the lives or health of livestock, wildlife or humans, the enforcement officers may remove the feral dog from the property or dispose of it in the most humane manner as determined by the department.

HISTORY: 1979 Act No. 147 § 1; 1993 Act No. 181, § 1166, eff July 1, 1994.

SECTION 47-3-320. Training of conservation officers to remove dogs; liability of officers.

Two enforcement officers of the Natural Resources Enforcement Division of the Department of Natural Resources from each of the state's twenty-eight law enforcement units shall be trained by the Department in the identification, capture and humane disposal of feral dogs and these officers shall have the responsibility of answering all complaints concerning feral dogs within the geographical boundaries of their respective law enforcement units. Such enforcement officers shall be held harmless of any personal liability that may occur during the lawful execution of their duties under this act except in case of gross negligence.

HISTORY: 1979 Act No. 147 § 2; 1993 Act No. 181, § 1167, eff July 1, 1994.

ARTICLE 7. Animal Euthanasia and Tranquillization

SECTION 47-3-410. Animal shelter defined.

The term "animal shelter" means any place or premises kept for the care, keeping, impounding, housing or boarding of any animal, whether the premises are owned or operated by a municipality, county, private association, institution, humane organization, or any other business or corporation.

HISTORY: 1980 Act No. 357, § 1; 2000 Act No. 293, § 2, eff May 19, 2000.

SECTION 47-3-420. Methods of euthanasia.

(A) Only the following methods of euthanasia may be used to kill animals impounded or quarantined in animal shelters, and the procedure applicable to the method selected must be strictly followed:

(1) Sodium pentobarbital or a derivative of it by means of:

(a) intravenous injection by hypodermic needle of a lethal solution;

(b) intraperitoneal injection by hypodermic needle of lethal solution as a last resort only when location of an injection into the vein is difficult or impossible;

(c) intracardial injection by hypodermic needle if the dog or cat is unconscious;

(d) intravenous injection of these solutions must be specifically injected according to the directions of the manufacturers for intravenous injections;

(e) an animal may be sedated with an approved and humane substance before euthanasia is performed;

(f) the solutions may not be administered via intrathoracic, intrapulmonary, subcutaneous, intramuscular, intrarenal, intrasplenic, or intrathecal routes or in any other nonvascular injection route except as provided above;

(g) administration of injections must be done only by a licensed veterinarian or by a euthanasia technician or Department of Natural Resources employee, trained and certified for this purpose in a euthanasia training class taught by a licensed South Carolina veterinarian or an individual or entity approved by the State Board of Veterinary Examiners, which must include training in tranquilizing animals. A person certified pursuant to this subitem must continue to maintain his proficiency by successfully completing a training course taught by a licensed South Carolina veterinarian or an individual or entity approved by the State Board of Veterinary Examiners every five years;

(h) all injections must be administered using an undamaged hypodermic needle of a size suitable for the size and species of animal;

(i) an animal shelter, governmental animal control agency, or the Department of Natural Resources (department) may obtain sodium pentobarbital or a derivative or tranquilizing agent by direct licensing. The animal shelter, governmental animal control agency, or department must apply for a Controlled Substance Registration Certificate from the federal Drug Enforcement Administration (DEA) and a State Controlled Substances Registration from the Department of Health and Environmental Control (DHEC). If an animal shelter, governmental animal control agency, or the department is issued a certificate by the DEA and a registration by DHEC pursuant to this subitem, the animal shelter, governmental animal control agency director or his designee, and the department's applicant are responsible for maintaining their respective records regarding the inventory, storage, and administration of controlled substances. An animal shelter, governmental animal control agency and its certified euthanasia technician, and the department and its certified employees are subject to inspection and audit by DHEC and the DEA regarding the recordkeeping, inventory, storage, and administration of controlled substances used under authority of this article;

(j) oral administration of sodium pentobarbital is permitted for the purpose of anesthetizing animals, provided a lethal dose of sodium pentobarbital is administered to euthanize the animal; and

(k) carbon monoxide gas, carbon dioxide gas, or other nonanesthetic inhalants may not be used to perform euthanasia.

(2) A substance which is clinically proven to be as humane as sodium pentobarbital and which has been officially recognized as such by the American Veterinary Medical Association may be used in lieu of sodium pentobarbital to perform euthanasia on dogs and cats, but succinylcholine chloride, curare, curariform mixtures, carbon monoxide gas, carbon dioxide gas, or any substance which acts as a neuromuscular blocking agent may not be used on a dog or cat in lieu of sodium pentobarbital for euthanasia purposes.

(3) Shooting may be used in a location other than a shelter as a means of euthanasia only in an emergency situation to prevent extreme suffering or in which the safety of people or other animal life is threatened or where it is considered necessary by the South Carolina Department of Natural Resources to eliminate or control the population of feral animals.

(4) In cases of extraordinary circumstance where a dog or cat poses an extreme risk or danger to the veterinarian, physician, or lay person performing euthanasia, the person is allowed the use of any other substance or procedure that is necessary to perform euthanasia on a dangerous dog or cat.

(B) In any of the previously listed methods, an animal may not be left unattended between the time euthanasia procedures have commenced and the time death occurs, and the animal's body may not be disposed of until death is confirmed by a certified euthanasia technician.

(C) Under no circumstance shall a chamber using commercially bottled carbon monoxide gas or other lethal gas or a chamber which causes a change in body oxygen by means of altering atmospheric pressure or which is connected to an internal combustion engine and uses the engine exhaust for euthanasia purposes be permitted.

HISTORY: 1980 Act No. 357, § 2; 1993 Act No. 181, § 1168, eff July 1, 1994; 2000 Act No. 293, § 2, eff May 19, 2000; 2016 Act No. 175 (H.3343), § 1, eff May 23, 2016.

Code Commissioner's Note

At the direction of the Code Commissioner in 2016, in (A)(2), "curare" was substituted for "curate" to correct a typographical error.

Effect of Amendment

2016 Act No. 175, § 1, rewrote the section.

SECTION 47-3-430. Provision governing shelters.

All animal shelters are subject to the provisions of Chapter 1 of [Title 47](#).

HISTORY: 1980 Act No. 357, § 3; 2000 Act No. 293, § 2, eff May 19, 2000.

SECTION 47-3-440. Penalties; injunction.

No person may kill any animal impounded or quarantined in an animal shelter by any means except as provided by this article. Any person who violates the provisions of this article is guilty of a misdemeanor and, upon conviction, is subject to the penalty provisions in Chapter 1, [Title 47](#) for each animal killed. The Attorney General of South Carolina may bring an action to enjoin a violation of this article.

HISTORY: 1980 Act No. 357, § 4; 2000 Act No. 293, § 2, eff May 19, 2000.

SECTION 47-3-450. Exceptions.

The provisions of this article do not apply to persons engaged in scientific endeavors by institutions of higher education.

HISTORY: 1980 Act No. 357, § 5; 2000 Act No. 293, § 2, eff May 19, 2000.

ARTICLE 8. Sterilization of Dogs and Cats

SECTION 47-3-470. Descriptions.

As used in this article:

(1) "Animal Shelter" means:

(a) a facility operated by or under contract for the State or a county, a municipal corporation, or other political subdivision of the State for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted dogs, cats, and other animals;

(b) a veterinary hospital or clinic operated by a veterinarian or veterinarians which operates for the purpose set forth in subitem (a) in addition to its customary purposes;

(c) a facility operated, owned, or maintained by an incorporated humane society, animal welfare society, or other nonprofit organization for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals.

(2) "Humane society" means an unincorporated nonprofit organization existing for the purpose of prevention of cruelty to animals.

(3) "Public or private animal refuge" means harborers of unwanted animals of any breed, including crossbreeds, who provide food, shelter, and confinement for a group of dogs, a group of cats, or a combination of dogs and cats.

(4) "Sexually mature animal" means a dog or cat that has reached the age of one hundred eighty days or six months or more.

(5) "Sterilization" means the surgical removal of the reproductive organs of a dog or cat in order to render the animal unable to reproduce.

HISTORY: 1998 Act No. 271, § 1, eff upon approval (became law without the Governor's signature on April 8, 1998).

SECTION 47-3-480. Provisions for sterilization; exceptions; payment of costs; subsequent notification of sterilization for animals not sterile when acquired.

(A) A public or private animal shelter, animal control agency operated by a political subdivision of this State, humane society, or public or private animal refuge shall make provisions for the sterilization of all dogs or cats acquired from the shelter, agency, society, or refuge by:

(1) providing sterilization by a licensed veterinarian before relinquishing custody of the animal; or

(2) entering into a written agreement with the person acquiring the animal guaranteeing that sterilization will be performed by a licensed veterinarian within thirty days after acquisition of a sexually mature animal or no later than six months of age except upon a written statement issued by a licensed veterinarian stating that such surgery would threaten the life of the animal.

(B) This section does not apply to a privately owned animal which the shelter, agency, society, or refuge may have in its possession for any reason if the owner of the animal claims or presents evidence that the animal is his property.

(C) All costs of sterilization pursuant to this section are the responsibility of the person acquiring the animal and, if performed before acquisition, may be included in the fees charged by the shelter, agency, society, or refuge for the animal.

(D) A person acquiring an animal from a shelter, an agency, a society, or a refuge which is not sterile at the time of acquisition shall submit to the shelter, agency, society, or refuge a signed statement from the licensed veterinarian performing the sterilization required by subsection (A) within seven days after sterilization attesting that the sterilization has been performed.

HISTORY: 1998 Act No. 271, § 1, eff upon approval (became law without the Governor's signature on April 8, 1998).

SECTION 47-3-490. Failure to comply; remedies.

A person who fails to comply with Section 47-3-480(A)(2) or 47-3-480(D) must forfeit ownership of the dog(s) or cat(s) acquired from the shelter, agency, society, or refuge which adopted the animal to the owner. In addition to forfeiting ownership, the person who acquired the animal must pay to the shelter, agency, society, or refuge the sum of \$200.00 as liquidated damages. Such remedies shall be in addition to any other legal or equitable remedies as may be available to the shelter, agency, society, or refuge for breach of the written agreement as provided for in Section 47-3-480(A)(2) or failure to comply with Section 47-3-480(D).

HISTORY: 1998 Act No. 271, § 1, eff upon approval (became law without the Governor's signature on April 8, 1998).

SECTION 47-3-500. Adoption of additional policies by other entities.

This article does not prohibit the adoption by a political subdivision of this State of shelter policies which are more stringent than the requirements of this article.

HISTORY: 1998 Act No. 271, § 1, eff upon approval (became law without the Governor's signature on April 8, 1998).

ARTICLE 9. Registration of Dogs

SECTION 47-3-510. Owner may register dog; fee.

The owner of any dog or kennel may, upon payment of a fee to be determined by the South Carolina Department of Natural Resources (department), not to exceed five dollars a dog or twenty dollars a kennel, have his dog registered by the department and the registration number tattooed in either of the dog's ears or on any other clearly visible part of the body that would be considered most suitable for the respective species of dog. The department shall maintain records of the names and addresses of the owners of registered kennels.

HISTORY: 1984 Act No. 446, § 1; 1985 Act No. 28; 1993 Act No. 181, § 1169, eff July 1, 1994.

SECTION 47-3-520. Availability of registration file.

The department shall have this file available for county, city, or subdivision animal control agencies or departments and individuals. The entire cost must be assessed upon dog owners in registration fees.

HISTORY: 1984 Act No. 446, § 2.

SECTION 47-3-530. Penalties for stealing or killing identifiable dog.

Any person stealing any positively identifiable dog is guilty of a misdemeanor and upon conviction must be fined not less than five hundred dollars nor more than one thousand dollars or imprisoned for not less than thirty days nor more than six months, or both.

Any person killing any dog when owner may be identified by means of a collar bearing sufficient information or some other form of positive identification is guilty of a misdemeanor and upon conviction must be fined not less than five hundred dollars nor more than one thousand dollars or imprisoned for not less than thirty days nor more than six months, or both. This paragraph does not apply to the killing of a dog threatening to cause or causing personal injury or property damage.

HISTORY: 1984 Act No. 446, § 3.

SECTION 47-3-540. Destruction of identifiable dog by animal control officer; prior notification of owner.

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, or the owner's designee, in addition to any other established costs, fines, fees, or other charges.

HISTORY: 1984 Act No. 446, § 4.

SECTION 47-3-550. Promulgation of regulations.

The South Carolina Department of Natural Resources may promulgate regulations to carry out the provisions of this chapter.

HISTORY: 1984 Act No. 446, § 5; 1993 Act No. 181, § 1170, eff July 1, 1994.

ARTICLE 11. Teasing, Maltreating, and Injuring Police Dogs Prohibited

SECTION 47-3-610. Unlawful to taunt, torment, tease, beat, strike, or administer desensitizing drug to police dog or horse.

It is unlawful for a person to wilfully and maliciously taunt, torment, tease, beat, strike, or administer or subject a desensitizing drug, chemical, or substance to a dog or horse used by a law enforcement department or agency in the performance of the functions or duties of the department or agency or when a dog is placed in a kennel off duty or a horse is placed in a stable off duty, or to interfere or meddle with a dog or horse used by a law enforcement department or agency in the performance of the functions or duties of the department or agency.

HISTORY: 1988 Act No. 512, eff May 9, 1988; 1995 Act No. 68, § 2, eff June 12, 1995.

SECTION 47-3-620. Unlawful to torture, mutilate, injure, disable, poison, or kill police dog or horse.

It is unlawful for a person to wilfully or maliciously torture, mutilate, injure, disable, poison, or kill a dog or horse used by a law enforcement department or agency in the performance of the functions or duties of the department or when a dog is placed in a kennel off duty or a horse is placed in a stable off duty. However, a police officer or veterinarian may perform euthanasia in emergency situations when delay would cause the dog or horse undue suffering and pain.

HISTORY: 1988 Act No. 512, eff May 9, 1988; 1995 Act No. 68, § 3, eff June 12, 1995.

SECTION 47-3-630. Penalties.

A person who violates any of the provisions of this article, except for Section 47-3-620, is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred dollars nor more than one thousand dollars or imprisoned not less than thirty days nor more than six months, or both. A person who violates the provisions of Section 47-3-620 is guilty of a felony and, upon conviction, must be fined not less than two thousand dollars nor more than five thousand dollars and imprisoned not less than one year nor more than five years.

HISTORY: 1988 Act No. 512, eff May 9, 1988; 1995 Act No. 68, § 1, eff June 12, 1995; 2008 Act No. 259, § 3, eff upon approval (became law without the Governor's signature on June 5, 2008).

ARTICLE 13. Regulation of Dangerous Animals

SECTION 47-3-710. Definitions.

(A) As used in this article "dangerous animal" means an animal of the canine or feline family:

(1) which the owner knows or reasonably should know has a propensity, tendency, or disposition to attack unprovoked, cause injury, or otherwise endanger the safety of human beings or domestic animals;

(2) which:

(a) makes an unprovoked attack that causes bodily injury to a human being and the attack occurs in a place other than the place where the animal is confined as required by Section 47-3-720; or

(b) commits unprovoked acts in a place other than the place where the animal is confined as required by Section 47-3-720 and those acts cause a person to reasonably believe that the animal will attack and cause bodily injury to a human being;

(3) which is owned or harbored primarily or in part for the purpose of fighting or which is trained for fighting.

(B) "Dangerous animal" does not include:

(1) an animal used exclusively for agricultural purposes; or

(2) an animal which attacks a person who is trespassing or who appears to be trespassing. A trespasser is a person who is not lawfully upon the premises of the owner, as set forth in Section 47-3-770(A).

(C) An animal is not a "dangerous animal" solely by virtue of its breed or species.

(D) As used in this article "owner" means a person who owns or has custody or control of the animal.

(E) As used in this article, "injury" or "bodily injury" means (1) broken bones, (2) lacerations, (3) punctures of the skin, or (4) any physical injury resulting in death.

HISTORY: 1988 Act No. 515, eff May 9, 1988; 1992 Act No. 374, § 1, eff May 19, 1992.

SECTION 47-3-720. Dangerous animal not to go unconfined on premises; "unconfined" defined; exceptions.

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 used in this section if the animal is not confined securely indoors or confined in a securely enclosed fence or securely enclosed and locked pen or run area upon the person's premises. 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. However, this section does not apply to an animal owned by a licensed security company and on patrol in a confined area.

HISTORY: 1988 Act No. 515, eff May 9, 1988; 1992 Act No. 374, § 1, eff May 19, 1992.

SECTION 47-3-730. Dangerous animal not permitted beyond premises unless safely restrained.

No person owning or harboring or having the care of a dangerous animal may permit the animal to go beyond his premises unless the animal is safely restrained and the requirements of Section 47-3-760(E) are met.

HISTORY: 1988 Act No. 515, eff May 9, 1988; 1992 Act No. 374, § 1, eff May 19, 1992; 1996 Act No. 382, § 1, eff June 4, 1996.

SECTION 47-3-740. Owing or harboring animal for fighting or attacking humans or domestic animals prohibited; selling, breeding, buying or attempting to buy, or intent to do same, prohibited; exceptions.

(A) No person may own or harbor an animal for the purpose of fighting or train, torment, badger, bait, or use an animal for the purpose of causing or encouraging the animal to unprovoked attacks upon human beings or domestic animals.

(B) No person may possess with intent to sell, offer for sale, breed, or buy or attempt to buy a known dangerous animal; however, this subsection does not apply to a person who is licensed to possess and breed an animal under the classifications specified and regulated by the United States Department of Agriculture under the Animal Welfare Act as codified in Title 7 of the United States Code.

HISTORY: 1988 Act No. 515, eff May 9, 1988; 1992 Act No. 374, § 1, eff May 19, 1992.

SECTION 47-3-750. Seizure and impoundment of dangerous animal.

(A) If a law enforcement agent, animal control officer, or animal control officer under contract with a county or municipal government to provide animal control services has probable cause to believe that a dangerous animal is being harbored or cared for in violation of Section 47-3-720 or 47-3-740 or 47-3-760(E), the agent or officer may petition the court having jurisdiction to order the seizure and impoundment of the dangerous animal while the trial is pending.

(B) If a law enforcement agent, animal control officer, or animal control officer under contract with a county or municipal government to provide animal control services has probable cause to believe that a dangerous animal is being harbored or housed in violation of Section 47-3-730, the agent or officer may seize and impound the dangerous animal while the trial is pending.

HISTORY: 1988 Act No. 515, eff May 9, 1988; 1992 Act No. 374, § 1, eff May 19, 1992; 1996 Act No. 382, § 3, eff June 4, 1996.

SECTION 47-3-760. Penalties; registration of dangerous animals.

(A) A person who violates Section 47-3-720 or 47-3-730 or subsection (E) of this section or who is the owner of a dangerous animal which attacks and injures a domestic animal is guilty of a misdemeanor and, upon conviction, for a first offense, must be fined not more than two hundred dollars or imprisoned not more than thirty days and, upon conviction of a subsequent offense, must be fined one thousand dollars none of which may be suspended or remitted.

(B) A person who is the owner of a dangerous animal which attacks and injures a human being in violation of Section 47-3-710(A)(2)(a) or a person who violates Section 47-3-740:

(1) for a first offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than three years;

(2) for a second or subsequent offense, is guilty of a felony and, upon conviction, must be fined not more than ten thousand dollars or imprisoned not more than five years.

(C) A dangerous animal which attacks a human being or domestic animal may be ordered destroyed when in the court's judgment the dangerous animal represents a continuing threat of serious harm to human beings or domestic animals.

(D) A person found guilty of violating this article shall pay all expenses, including, but not limited to,

shelter, food, veterinary expenses for boarding and veterinary expenses necessitated by the seizure of an animal for the protection of the public, medical expenses incurred by a victim from an attack by a dangerous animal, and other expenses required for the destruction of the animal.

(E) A person owning a dangerous animal shall register the animal with the local law enforcement authority of the county in which the owner resides. The requirements of the registration must be determined by the county governing body. However, the registration application must be accompanied by proof of liability insurance or surety bond of at least fifty thousand dollars insuring or securing the owner for personal injuries inflicted by the dangerous animal. The county governing body shall provide to the owner registering the dangerous animal a metal license tag and a certificate. The metal license tag at all times must be attached to a collar or harness worn by the dangerous animal for which the certificate and tag have been issued.

(F) Nothing in this chapter is designed to abrogate any civil remedies available under statutory or common law.

HISTORY: 1988 Act No. 515, eff May 9, 1988; 1992 Act No. 374, § 1, eff May 19, 1992; 1993 Act No. 184, § 101 eff January 1, 1994; 1996 Act No. 382, §§ 2 and 4, eff June 4, 1996.

SECTION 47-3-770. When person is lawfully on premises; authority to use force to repel attack by dangerous animal when lawfully on premises; no liability for action taken to repel or restrain unprovoked attack of dangerous animal.

(A) A person lawfully is upon the premises of the owner within the meaning of this article when he is on the premises in the performance of a duty imposed upon him by the laws of this State, by the laws or postal regulations of the United States, when he is on the premises upon invitation, expressed or implied, of the owner, or when he is in the performance of a duty relative to public safety, which includes policemen, firemen, or other authorized personnel. A person may ingress to and egress from the premises for a purpose connected with the performance of the public safety duty.

(B) A person who lawfully is on the owner's premises and who is attacked by a dangerous animal or witnesses the attack may use reasonable force to repel the attack. A person is not liable in damages or otherwise for action to repel or action taken to restrain or control an animal from an unprovoked attack.

HISTORY: 1988 Act No. 515, eff May 9, 1988; 1992 Act No. 374, § 1, eff May 19, 1992.

ARTICLE 15. Protection of Guide Dogs

SECTION 47-3-910. Short title.

This article may be cited as "Layla's Law".

HISTORY: 2003 Act No. 37, § 1, eff June 2, 2003.

SECTION 47-3-920. Definitions.

For purposes of this article:

(1) "Guide dog" means a dog that is trained for the purpose of guiding blind persons or a dog trained for the purpose of assisting hearing impaired persons.

(2) "Humane euthanasia" means the termination of a terminally ill or critically injured guide dog or service animal's life by a means that produces a rapid and minimally painful death as provided in Section 47-3-420.

(3) "Notice" means an actual verbal or written warning prescribing the behavior of another person

and a request that the person stop the behavior.

(4) "Service animal" means an animal that is trained for the purposes of assisting or accommodating the sensory, mental, or physical disability of a disabled person.

(5) "Value" means the value to the guide dog or service animal user and does not refer to the cost or fair market value.

HISTORY: 2003 Act No. 37, § 1, eff June 2, 2003.

SECTION 47-3-930. Interference with use of a guide dog or service animal; misdemeanor.

(A) It is unlawful for a person who has received notice that his behavior is interfering with the use of a guide dog or service animal to continue with reckless disregard to interfere with the use of a guide dog or service animal by obstructing, intimidating, or jeopardizing the safety of the guide dog or service animal or its user.

(B) It is unlawful for a person with reckless disregard to allow his dog that is not contained by a fence, a leash, or another containment system to interfere with the use of a guide dog or service animal by obstructing, intimidating, or otherwise jeopardizing the safety of the guide dog or service animal or its user.

(C) A person who violates subsection (A) or (B) is guilty of a misdemeanor triable in magistrate's court and, upon conviction, is subject to the maximum fines and terms of imprisonment in magistrate's court.

HISTORY: 2003 Act No. 37, § 1, eff June 2, 2003.

SECTION 47-3-940. Injury, disability, or death; reckless disregard; penalties.

(A) It is unlawful for a person with reckless disregard to injure, disable, or cause the death of a guide dog or service animal.

(B) It is unlawful for a person with reckless disregard to allow his dog to injure, disable, or cause the death of a guide dog or service animal.

(C) A person who violates subsection (A) or (B) is guilty of a misdemeanor and, upon conviction, must be fined not more than two thousand five hundred dollars or imprisoned not more than six months, or both.

HISTORY: 2003 Act No. 37, § 1, eff June 2, 2003.

SECTION 47-3-950. Unauthorized control over guide dog or service animal; penalties.

(A) It is unlawful for a person to wrongfully obtain or exert unauthorized control over a guide dog or service animal with the intent to deprive the guide dog or service animal user of his guide dog or service animal.

(B) A person who violates subsection (A) is guilty of a misdemeanor and, upon conviction, must be fined not less than two thousand dollars or imprisoned not less than one year, or both.

HISTORY: 2003 Act No. 37, § 1, eff June 2, 2003.

SECTION 47-3-960. Intentional injury, disability, or death; penalties.

(A) It is unlawful for a person to intentionally injure, disable, or cause the death of a guide dog or service animal, except in the case of self-defense or humane euthanasia.

(B) A person who violates subsection (A) is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than three years, or both.

HISTORY: 2003 Act No. 37, § 1, eff June 2, 2003.

SECTION 47-3-970. Restitution.

(A) A defendant convicted of a violation of this article may be ordered to make full restitution for damages including incidental and consequential expenses incurred by the guide dog or service animal and its user, which arise out of or are related to the criminal offense.

(B) Restitution for a conviction under this article includes, but is not limited to:

(1) the value of the replacement of an incapacitated or deceased guide dog or service animal, the training of a replacement guide dog or service animal, or retraining of the affected guide dog or service animal and related veterinary and care expenses; and

(2) medical expenses of the guide dog or service animal user, training of the guide dog or service animal user, and compensation for wages or earned income lost by the guide dog or service animal user.

(C) This article does not affect civil remedies available for conduct punishable under this article. Restitution paid pursuant to this article must be set off against damages awarded in a civil action arising out of the same conduct that resulted in the restitution payment.

HISTORY: 2003 Act No. 37, § 1, eff June 2, 2003.

Katie Smith

From: Katie Smith
Sent: Wednesday, October 10, 2018 9:55 AM
To: 'classadmgr@upstatetoday.com'
Cc: Katie Smith
Subject: Legal Ad Request

Please run in the next edition of your publication. Please respond to the email to confirm receipt.

“The Law Enforcement, Public Safety, Health & Welfare Committee will meet at 5:00 p.m., Tuesday, October 16, 2018 in the Oconee County Chambers located at 415 South Pine Street, Walhalla, SC 29691.”

Please confirm receipt of this email by way of reply.

Best Regards,
Katie

Katie D. Smith
Clerk to Council
415 S. Pine Street
Walhalla, SC 29691
864-718-1023
864-718-1024 [fax]

Katie Smith

From: Katie Smith
Sent: Wednesday, October 10, 2018 9:51 AM
To: 'classadmgr@upstatetoday.com'
Cc: Katie Smith
Subject: Legal Ad Request

Please run in the next edition of your publication. Please respond to the email to confirm receipt.

“A special meeting of the Oconee County Council will be held at 5:00 p.m., Tuesday, October 16, 2018 concurrently with the Oconee County Council’s Law Enforcement, Public Safety, Health and Welfare Committee (the “Committee”) meeting, in that member(s) of Council who are not on the Committee plan to attend and participate in the Committee’s regularly scheduled meeting.”

Please confirm receipt of this email by way of reply.

Best Regards,
Katie

Katie D. Smith
Clerk to Council
415 S. Pine Street
Walhalla, SC 29691
864-718-1023
864-718-1024 [fax]

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LEGAL NOTICES

NOTICE

A special meeting of the Oconee County Council will be held at 5:00 p.m., Tuesday, October 16, 2018 concurrently with the Oconee County Council's Law Enforcement, Public Safety, Health and Welfare Committee (the "Committee") meeting, in that member(s) of Council who are not on the Committee plan to attend and participate in the Committee's regularly scheduled meeting.

NOTICE IS HEREBY given that the Annual Meeting of Members (the "Meeting") of Oconee Federal, MHC will be held in the office of Oconee Federal Savings & Loan Association, located at 201 North Second Street, Seneca, SC 29678 on October 25, 2018 at 9:00 AM.

The purpose of the meeting is to elect two directors of Oconee Federal, MHC; and to consider such matters as may properly come before the Meeting, or any adjournments thereof. The nominating committee of the Board of Directors of Oconee Federal, MHC has nominated R. N. McLellan, Jr. and W. M. Poore for election to the Board of Directors. The Board of Directors is not aware of any other business to come before the meeting.

Any action may be taken on the foregoing proposals at the Meeting on the date specified above, or on any date or dates to which the Meeting may be adjourned.

NOTICE

The Law Enforcement, Public Safety, Health & Welfare Committee will meet at 5:00 p.m., Tuesday, October 16, 2018 in the Oconee County Chambers located at 415 South Pine Street, Walhalla, SC 29691.

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Issue!

PUBLISHER'S AFFIDAVIT

STATE OF SOUTH CAROLINA
COUNTY OF OCONEE

OCONEE COUNTY COUNCIL

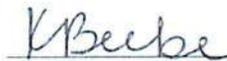
IN RE: NOTICE OF THE LAW ENFORCEMENT, PUBLIC SAFETY, HEALTH & WELFARE COMMITTEE MEETING
ON OCTOBER 16, 2018

BEFORE ME the undersigned, a Notary Public for the State and County above named, This day personally came before me, Hal Welch, who being first duly sworn according to law, says that he is the General Manager of THE JOURNAL, a newspaper published Tuesday through Saturday in Seneca, SC and distributed in **Oconee County, Pickens County** and the Pendleton area of **Anderson County** and the notice (of which the annexed is a true copy) was inserted in said papers on 10/11/2018 and the rate charged therefore is not in excess of the regular rates charged private individuals for similar insertions.



Hal Welch
General Manager

Subscribed and sworn to before me this
10/11/2018



KELSIE BEEBE
Notary Public, State of South Carolina
My Commission Expires 2/13/2028

Kelsie Beebe
Notary Public
State of South Carolina
My Commission Expires February 13, 2028

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■ LEGAL NOTICES

LEGALS

NOTICE

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Any action may be taken on the foregoing proposals at the Meeting on the date specified above, or on any date or dates to which the Meeting may be adjourned.

NOTICE

The Law Enforcement, Public Safety, Health & Welfare Committee will meet at 5:00 p.m., Tuesday, October 16, 2018 in the Oconee County Chambers located at 415 South Pine Street, Walhalla, SC 29691.

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PUBLISHER'S AFFIDAVIT

STATE OF SOUTH CAROLINA
COUNTY OF OCONEE

OCONEE COUNTY COUNCIL

IN RE: NOTICE OF A SPECIAL MEETING FOR THE OCONEE COUNTY COUNCIL ON OCTOBER 16, 2018

BEFORE ME the undersigned, a Notary Public for the State and County above named, This day personally came before me, Hal Welch, who being first duly sworn according to law, says that he is the General Manager of **THE JOURNAL**, a newspaper published Tuesday through Saturday in Seneca, SC and distributed in **Oconee County, Pickens County** and the Pendleton area of **Anderson County** and the notice (of which the annexed is a true copy) was inserted in said papers on 10/11/2018 and the rate charged therefore is not in excess of the regular rates charged private individuals for similar insertions.



Hal Welch
General Manager

Subscribed and sworn to before me this
10/11/2018



KELSIE BEEBE
Notary Public, State of South Carolina
My Commission Expires 2/13/2028

Kelsie Beebe
Notary Public
State of South Carolina
My Commission Expires February 13, 2028

LEGAL NOTICES

LEGALS

November 5, 2018, at 11:00 A.M., or shortly thereafter, at the Oconee COUNTY COURTHOUSE, 205 West Main St, Walhalla, SC 29691, South Carolina, to the highest bidder for cash, at public auction, the premises fully described below:

All that certain piece, parcel or lot of land with the buildings and improvements thereon situate, lying, and being in the State of South Carolina, County of Oconee, in the Town of Westminster, being known and designated as Lot Number Forty-six (46) of the Subdivision of property of Oconee Mills, Inc., as shown and more fully described on a Plat thereof dated 12-15-48 and recorded in Plat Book H, page 65, records of Oconee County, South Carolina.

This is the identical property conveyed to Lanier Martin by deed of First Citizens Bank and Trust Company, Inc., dated July 18, 2007 and recorded July 20, 2007 in Deed Book 1600 at Page 118 in the ROD Office for Oconee County, South Carolina. TMS No.: 530-18-01-008

Current Property Address: 101 D Street, Westminster, SC 29693
This sale shall be subject to taxes and assessments due on the day of such sale, existing easements and restrictions of record.

As a deficiency judgment is demanded, the bidding will remain open for a period of thirty (30) days after the date of sale as provided by law in such cases.

The property shall be sold for cash to the highest bidder. The highest bidder, other than the Plaintiff, will be required to deposit with the Clerk of Court, at the conclusion of the bidding, cash or certified check in the amount of five (5%) percent of the bid; the said deposit to be applied to the purchase price in case of compliance, but to be forfeited and applied first to costs and then to Plaintiff's debt in case of non-compliance.

Should the highest bidder fail or refuse to make the required deposit at the time of the bid or comply with the other terms of the bid within thirty (30) days from the date of sale, the Clerk of Court will resell the property at the risk and expense of the defaulting bidder upon the same terms as above set out. The Sheriff of Oconee County may be authorized to put the purchaser into possession of the premises if requested by the purchaser.

Purchaser to pay for the preparation of the Clerk of Court's Deed, documentary stamps on the deed, recording of the deed, and interest to be figured on the balance of the bid from the date of sale to date of compliance with the bid at the legal rate of interest for judgments (8.50% per annum).

Beverly H. Whitfield
Clerk of Court for Oconee County

NOTICE

The City of Seneca is accepting grant applications for the use of **Hospitality Tax monies.**

Approximately \$10,000 in funding is available. The deadline to apply is 5:00 pm on Wednesday, October 31, 2018, at the Seneca City Hall.

These funds are available for tourism, related projects, programs, events and promotions. Applicants

LEGAL NOTICES

LEGALS

NOTICE

The Law Enforcement, Public Safety, Health & Welfare Committee meeting will meet on Tuesday, October 16, 2018 at 5pm with an opportunity for public comment regarding the solid waste disposal fees and proposed animal control ordinance.

**REQUEST FOR PROPOSALS
EXTERIOR PAINTING SERVICES**

Project: RFP 2018-001
City of Seneca Planning & Development Department is seeking responses to this Request for Proposals (RFP) from interested parties to provide painting services at the Bus Transit Station located at 301 Railroad Street.

Quotes are due:
2:00 PM

Thursday, October 18, 2018
Additional information is available on the City of Seneca website: www.seneca.sc.us; and at the City of Seneca Planning Department located at 250 E. North Second Street, Seneca SC 29678

Specific questions relevant to this request may be directed to:

Barbara L. Dyar
Telephone: (864) 938-7837
Fax: (864) 888-0879
Email: bdyar@seneca.sc.us

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Old Central Road, Clemson.....	3BR/1BA Apartment, W&D Incl.....	\$625
Bellview Way, Seneca.....	3BR/2.5BA Townhouse, Garage.....	\$850
Lynwood Drive, Central.....	3BR/2BA House w/Carport.....	\$800
Old Central Road, Clemson.....	3BR/1BA Apartment.....	\$625
Pelham Creek Drive, Seneca.....	2BR/1BA Duplex Apartment.....	\$550

PUBLISHER'S AFFIDAVIT

STATE OF SOUTH CAROLINA
COUNTY OF OCONEE

OCONEE COUNTY COUNCIL

IN RE: Meeting 10/26 @ 5pm

BEFORE ME the undersigned, a Notary Public for the State and County above named, This day personally came before me, Hal Welch, who being first duly sworn according to law, says that he is the General Manager of THE JOURNAL, a newspaper published Tuesday through Saturday in Seneca, SC and distributed in Oconee County, Pickens County and the Pendleton area of Anderson County and the notice (of which the annexed is a true copy) was inserted in said papers on 10/13/2018 and the rate charged therefore is not in excess of the regular rates charged private individuals for similar insertions.



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Notary Public
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