

## Chapter 4 ANIMALS<sup>1</sup>

### Sec. 4-1. Title.

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

(Ord. No. 2005-01, § 1, 2-1-2005)

### 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 animal* means any animal that has been deserted, forsaken, or given up without another owner being secured. An abandoned animal is also one that has not been provided regular access to adequate and appropriate food, water, shelter, and care. Cats subject to an approved community cat program or trap, neuter, spay, and release program are not considered abandoned animals.

*Adequate shelter* means that shelter which will keep a non-aquatic animal dry, out of the direct path of winds, out of direct sun, and at a temperature that is healthful for the animal. The containment area for the animal shall be free of accumulated waste and debris so that the animal shall be free to walk or lie down without coming in contact with waste or debris; shall be free of unsanitary conditions which result in offensive odors or are dangerous to the animal or to public health, welfare, or safety; and shall be free of ticks, fleas, flies, and mosquitoes as reasonably possible. A suitable method of drainage shall be provided to eliminate any excess water or moisture rapidly. Aquatic and semi-aquatic animals shall have an adequate amount of clean water in which to move. For dogs outside and unattended, adequate shelter shall meet the following minimum standards:

- (1) The shelter shall adequately resist water and wind and be of a suitable size to accommodate the dog and allow retention of body heat.
- (2) At or below 32 degrees Fahrenheit, the structure shall be provided with a sufficient quantity of dry bedding material or other means of protection from the weather that will allow the animal to retain body heat.
- (3) At or above 80 degrees Fahrenheit, each dog must be afforded one or more separate areas of shade large enough to accommodate the entire body of the dog at one time to ensure protection from the direct rays of the sun.

*Animal* means a living vertebrate creature, excepting homo sapiens.

*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. A community cat is not considered an animal at large.

*Animal control officer* means any person designated by the State of South Carolina or county governing authority of Oconee County as a law enforcement officer pursuant to S.C. Code 1976, § 47-3-30.

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<sup>1</sup>Cross reference(s)—Environment, ch. 12.

State law reference(s)—Authority to provide for control of dogs and other domestic pets, S.C. Code 1976, § 47-3-10 et seq.; rabies control, S.C. Code 1976, §§ 47-5-10—47-5-210.

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*Animal rescuer* means any recognized group or person who routinely obtains an unwanted dog or cat and who promptly finds an adoptive home for that spayed or neutered dog or cat.

*Animal shelter* means any premises designated by the county governing body for the purpose of impounding, care, or humane euthanasia of animals held under authority of this chapter and/or state law.

*Community cat* means any free-roaming cat found outside, which one or more citizens participate in caring for. Citizens that partake in caring for a community cat must ensure that the cat's ears are tipped so that it can be distinguished from owned or stray cats. Community cats must also be spayed or neutered and vaccinated to prevent the spread of disease to owned animals.

*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 1976, § 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 1976, § 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 domesticated animal without adequate provocation, or which, because of temperament, conditioning or training, has a known propensity to attack, bite, or injure human beings or domesticated animals.

An animal is not a dangerous animal solely by virtue of its breed or species.

*Owner* means any person, partnership, or corporation owning, keeping, or harboring one or more animals. An animal, excluding a community cat, shall be declared to be harbored if it is fed for three consecutive days or more, unless said person, partnership or corporation has notified animal control to pick up the stray animal.

*Pet or companion animal* means any animal kept for pleasure rather than utility; an animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter.

*Potentially dangerous animal* means an animal that, without provocation, 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 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. The term "public nuisance animal" means and includes, but is not limited to, any 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. Refer to chapter 12, article II of the Oconee County Code of Ordinances for additional provisions related to noise disturbance;

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- (5) Causes fouling of the air off the premises of the owner by odor resulting from failure to remove feces every 24 hours or washing of same into an approved underground disposal system every 24 hours, excepting animals lawfully raised for food or food products;
  - (6) Has been found by the animal control officer after notice of its owner to be a public nuisance animal by virtue of being a menace to the public health, welfare, or safety; or
  - (7) A dog or cat that 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 custodian or is accompanied by its owner or custodian and under the physical control of such owner or custodian by means of a restraining device. This section does not apply to dogs lawfully engaged in hunting.

(Ord. No. 2005-01, § 2, 2-1-2005; Ord. No. 2022-29, § 1(Exh. B), 1-3-2023)

### **Sec. 4-3. Authority.**

This chapter is adopted pursuant to the provisions of S.C. Code 1976, § 47-3-20 et seq.

(Ord. No. 2005-01, § 3, 2-1-2005)

### **Sec. 4-4. Restraint.**

- (a) All owned animals shall be kept under restraint, which includes confinement to the owner's or custodian's premises. (See section 4-2, definitions, above.)
- (b) No owner shall fail to exercise proper care and control of his animal to prevent it from being a public nuisance.
- (c) Owners shall ensure that if their female dog or cat is in heat, it 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.
- (d) Every dangerous animal and potentially dangerous animal, as determined under this chapter, shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.
- (e) Owners shall ensure their animals are restrained in a humane manner.
- (f) If a dog must be restrained by means other than a fence or other humane enclosure, a tethering system must be used that meets the following criteria:
  - (1) The tether shall be at least ten feet in length.
  - (2) The tether shall not be a logging chain, tow chain, or other tether that is of a weight that is likely to cause injury to the dog.
  - (3) The tether should have swivels on both ends and allow the dog to have the highest degree of movement practicable without becoming entangled; 360 degrees is ideal. This is best accomplished by using a single stake system with swivel on top to allow the dog free movement. A secondary option is to have the dog tether, with swivels, attached to a trolley system that allows the dog to move freely along a runner line. The trolley systems should be at least three feet above the ground.
  - (4) The tether must allow the dog free access to food, potable water, and adequate shelter (as defined in section 4-2 of this chapter).
  - (5) The tether must be attached to a property fitting collar or harness so that there is no harm to the dog.

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- (6) If more than one dog is tethered in the same area, they must be separated to prevent entanglement.
  - (7) If an underground or wireless fence is used to restrain a dog(s), the fence and appurtenances must be properly maintained so as to keep the dog(s) within the enclosed area and the fence must be capable of restraining the animal confined.

(Ord. No. 2005-01, § 4, 2-1-2005; Ord. No. 2022-29, § 1(Exh. B), 1-3-2023)

#### **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 rabies control officer in the department of health and environmental control. Whenever the animal control officer is notified and shown that an animal has bitten or attacked a person, such officer shall promptly notify the county department of health and environmental control of such bite or attack and shall cooperate with the health department in impounding and quarantining such animal.

(Ord. No. 2005-01, § 5, 2-1-2005; Ord. No. 2022-29, § 1(Exh. B), 1-3-2023)

#### **Sec. 4-6. Impoundment and violation notice.**

- (a) (1) Unrestrained and nuisance animals, upon receipt of a written complaint signed by the complainant, may be taken by law enforcement officials and/or animal control officers 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 animal at large, the animal control officer or lawful constable or deputy sheriff may issue to the known owner of such animal a notice of ordinance violation. Such notice shall impose upon the owner a warning for a first offense, with subsequent offenses being punishable up to the jurisdictional limits of the magistrate's court.
  - (3) In addition, the owner 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) and a \$10.00 impoundment fee. Further, a \$15.00 fee will be charged for a mandatory microchip implant for animals not previously microchipped.
- (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) Impounded dogs and cats shall not be kept for fewer than five calendar days.
- (d) Animal control officers shall 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 hold period, including cost of mailing the required notice, must be paid before the dog is returned to its owner, or owner's designee, in addition to any other established costs, fines, fees, or other charges.
- (e) Abandoned animals shall be impounded and shall be kept for no fewer than five calendar days.
- (f) 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.

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- (g) 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.
  - (h) Any animal not reclaimed by its owner within five calendar days, or in the case of a positively identifiable animal within ten calendar days, shall become the property of the local government authority and shall be placed for adoption in a suitable home or humanely euthanized, as approved by state law.
  - (i) The animal shelter director shall keep complete and accurate records of the care, veterinary treatment, and disposition of all animals impounded at the shelter.
  - (j) It shall be unlawful for any person to release or take out of impoundment any animal without proper authority.
  - (k) It shall be unlawful to resist or hinder animal control officers or law enforcement officers engaging in the capture and impoundment of an animal.
  - (l) It shall be unlawful to remove the rabies tag from the dog for which the tag was issued.
- (Ord. No. 2005-01, § 6, 2-1-2005; Ord. No. 2022-29, § 1(Exh. B), 1-3-2023)

#### **Sec. 4-7. Dangerous animals.**

- (a) If an animal control officer has probable cause to believe that a dangerous animal is being harbored or cared for in violation of S.C. Code § 47-3-720 (unconfined on premises), or § 47-3-740 (owning/harboring for purposes of fighting), or § 47-3-760(E) (registration), the officer may petition the court having jurisdiction to order the seizure and impoundment of the dangerous animal while the trial is pending.
- (b) If an animal control agent has probable cause to believe that a dangerous animal is being harbored or housed in violation of S.C. Code § 47-3-730 (unrestrained off-premises), the agent or officer may seize and impound the dangerous animal while the trial is pending.
- (c) Animals impounded under subsections (a) or (b), above, 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 discretion, allow the animal owner to impound said animal on said animal owner's property.
- (d) Upon impounding an animal under this section, a determination hearing should be conducted as soon as reasonably possible, with notice of such hearing being served on the owner by registered mail or personal service at least ten days prior to the hearing. 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 ten 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 the decision of the magistrate.
- (e) An animal determined to be dangerous under 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 judgment 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 animal shelter or law

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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 (f), (g), and (h) of this section.

- (f) The owner of a dangerous animal shall secure and confine said dangerous animal on the owner's property in an enclosed pen or structure which must be secured by lock and key or combination lock. The pen or structure shall be suitable to prevent the animal from escaping. 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.
- (g) No person owning or 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.
- (h) In accordance with S.C. Code of Laws § 47-3-760(E), all dangerous animals inside Oconee County must be registered with the Oconee County Animal Control, or its successor "law enforcement authority." If the animal was deemed dangerous by an Oconee County Court, a copy of the court order must be kept on file. If the dangerous animal was transferred into Oconee [County] from another county or state, documentation from that jurisdiction must be provided within 30 days. The director of animal control will be responsible for maintaining records of all dangerous animals inside Oconee County. The registration application must be accompanied by proof of liability insurance or surety bond of at least \$50,000.00 insuring or securing the owner for personal injuries inflicted by the dangerous animal. Oconee County Animal Control, or its successor, shall provide to the owner registering the dangerous animal a metal license tag and a certificate along with a designed dangerous dog collar. Fees for these items must be collected at registration. The metal license tag must be attached to a collar or harness and worn at all times by the dangerous animal for which the certificate and tag have been issued. The pen or structure must be clearly marked on four sides with a sign stating "dangerous animal."
  - (1) Registration information required for dangerous animals:
    - a. Species and breed.
    - b. Address of where animal will be located.
    - c. Owner information.
    - d. Proofs of rabies inoculation (must be submitted annually).
    - e. Photo of animal (must be submitted annually).
    - f. Waiver for inspections of confinement site.
  - (2) The owner of a dangerous animal shall notify Oconee County Animal Control if any changes occur with the following:
    - a. Ownership. In the case of a change of ownership, the name, address, and telephone number of the new owner/custodian must, within five days of transfer, be provided to Oconee County Animal Control. Oconee County Animal Control will notify the new owner/custodian of the dangerous animal's status, and also notify the animal control services in the jurisdiction where the animal is housed.
    - b. Address change of the owner/custodian or any change in the location in which the animal is housed.
    - c. Any material change in the health status of the animal.

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d. Death of the animal.

(Ord. No. 2005-01, § 7, 2-1-2005; Ord. No. 2022-29, § 1(Exh. B), 1-3-2023)

Cross reference(s)—Environment. ch. 12

#### **Sec. 4-8. Potentially dangerous animals.**

- (a) The animal control officer or law enforcement officials 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 as soon as reasonably possible, with notice of such hearing being served on the owner by registered mail or personal service at least ten days prior to the hearing. 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 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 ten 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 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 the 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 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 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 a minimum tensile strength of 300 pounds and not exceeding three feet in length.

(Ord. No. 2005-01, § 8, 2-1-2005; Ord. No. 2022-29, § 1(Exh. B), 1-3-2023)

#### **Sec. 4-9. Animal care.**

- (a) No owner shall fail to provide his animals with:
  - (1) Necessary substance and adequate shelter, as defined in section 4-2;
  - (2) Veterinary care when needed to prevent suffering; and

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(3) Humane care and treatment.

All animals shall be kept in a clean and sanitary condition. The premises upon which the animal is kept shall be kept in a clean and sanitary condition and provide adequate light, shelter and ventilation.

- (b) No owner of an animal shall abandon such animal. A person who returns a community cat to the location from where it was collected shall not be considered to have abandoned that 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 humanly euthanized by an agent of the department of health and environmental control, law enforcement officer, or an animal control officer, by a method approved by state law.
  - (1) If the animal is identifiable, attempts to contact the owner shall be made by phone or at the residence in person.
  - (2) If the animal is not identifiable and is in great pain, the cause of which is not reasonably treatable, the animal may be humanely euthanized immediately without attempts to contact the cause.
- (d) Any animal found abandoned, neglected, cruelly treated, or unfit for use may be seized from the owner's property by the 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.

(Ord. No. 2005-01, § 9, 2-1-2005; Ord. No. 2022-29, § 1(Exh. B), 1-3-2023)

#### **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.

(Ord. No. 2005-01, § 10, 2-1-2005)

#### **Sec. 4-11. Enforcement.**

The civil and criminal provisions of this chapter shall be enforced by those persons or agencies legally authorized by the county for that purpose. 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. It shall be a violation of this chapter to provide false information to a law enforcement officer or an animal control officer. This includes, but is not limited to, information provided on intake forms, bite reports, owner surrender forms, compliant forms, and reclaim forms. Any person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction may be fined and/or imprisoned consistent with the jurisdictional limits of the magistrate's court. Additionally, the magistrate of the county shall have the authority to issue a bench warrant in the enforcement of this chapter.

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(Ord. No. 2005-01, § 11, 2-1-2005; Ord. No. 2022-29, § 1(Exh. B), 1-3-2023)

**Sec. 4-12. Penalties for violation of chapter.**

Any person found violating any provision of this chapter shall be deemed guilty of a misdemeanor and, for each offense, may be fined and/or imprisoned consistent with the jurisdictional limits of the magistrate's court. In addition, upon conviction of any violation under this chapter, a court may order an animal forfeited by the owner or owners and placed within 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.

(Ord. No. 2005-01, § 12, 2-1-2005; Ord. No. 2022-29, § 1(Exh. B), 1-3-2023)

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

The provisions of S.C. Code 1976, § 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.

(Ord. No. 2005-01, § 13, 2-1-2005)

OCONEE COUNTY COUNCIL

ORDINANCE 2004-22

SECTION I: TITLE

The title of this ordinance shall be "Oconee County Animal Control Act," replacing Oconee County Ordinances 98-8 and 2000-03.

SECTION II: DEFINITIONS

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

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

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

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

2.4: Animal Rescuer: Any recognized group or person who routinely obtains an unwanted dog or cat and/or who finds an adoptive home for that spayed or neutered dog or cat.

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

2.6: Humane Society: South Carolina Society for Prevention of Cruelty to Animals.

2.7: Humane Society Officer: Any officer or employee of the Humane Society.

2.8: Owner: Any person, partnership, or corporation owning, keeping, or harboring one or more animals. An animal shall be declared to be harbored if it is fed for three consecutive days or more, unless said person, partnership or corporation has notified Animal Control to pick up the stray animal.

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

2.10: Abandoned/Stray Animal: Any animal unattended for a period of more than three days.

2.11: Public Nuisance Animal: Any animal or animals, except those raised for food and/or food products, that unreasonably annoy humans, endanger the life or health of other citizens (other than their owners), or interfere with a citizen's enjoyment of life or property.

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

- a) is found at large after written complaint has been filed;
- b) damages the property of anyone other than its owner;
- c) molests or intimidates pedestrian or passerby;
- d) 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;

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

f) has been found by the animal control officer after notice of its owner to be a public nuisance animal by virtue of being a menace to the public health, welfare, or safety; or

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

2.12: Under Restraint: Animals 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 under the verbal command, or under the active control of the owner or trainer while hunting or being trained and while on property of the owner or with the property owner's permission.

2.13: Dangerous Animal: (A) 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 or cause injury or otherwise endanger the safety of human beings or domestic animals; or

(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 South Carolina Code Section 47-3-720; or

(b) commits unprovoked acts in a place other than the place where the animal is confined as required by South Carolina Code 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; or

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

(4) which attacks, bites, or injures a human being or domesticated animal without adequate provocation, or which, because of temperament, conditioning or training, has a known propensity to attack, bite, or injure human beings or domesticated animals.

(B) An animal is not a “dangerous animal” solely by virtue of its breed or species.

2:14: Potentially Dangerous Animal: An animal of the canine or feline family 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.

### SECTION 3: AUTHORITY

This ordinance is adopted pursuant to the provisions of Sections 47-3-20, et. seq., Code of Laws of South Carolina, 1976.

### SECTION 4: RESTRAINT

4.1: All animals shall be kept under restraint.

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

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

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

#### SECTION 5: BITING OR ATTACKING PERSONS

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

#### SECTION 6: IMPOUNDMENT AND VIOLATION NOTICE

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

In addition to, or in lieu of, impounding an animal at large, the Animal Control Officer or lawful constable or deputy sheriff may issue to the known owner of such animal a notice of ordinance violation. Such notice shall impose upon the owner a warning for a first offense. The owner shall be charged a penalty of One Hundred

(\$100.00) dollars for the second violation. One Hundred Twenty-Five (\$125.00) dollars for the third violation and One Hundred Fifty (\$150.00) dollars for each subsequent violation. Said penalties shall be made payable to the Treasurer of Oconee County and paid at the Oconee 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 of this ordinance, the owner shall be punished as provided in Section 12 of this ordinance. In addition, the owner shall be required to pay a fee of five dollars (\$5.00) per day for each day the animal is boarded by the County, actual cost for inoculation of the animal (if applicable) and a five dollar (\$5.00) impoundment fee. In addition, at the discretion of the animal shelter, a thirty dollar (\$30.00) fee and mandatory sterilization of the animal may be required if the animal is impounded on more than one (1) occasion. Five dollars (\$5.00) shall be the impoundment fee and twenty-five (\$25.00) shall help defray the cost of sterilization. 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.

6.2: 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.

6.3: Impounded dogs and cats shall not be kept for fewer than three (3) working days.

6.4: If by tag or other means, the owner of an impounded animal can be identified, the Animal Control Officer shall immediately upon impoundment notify the owner by telephone or certified mail. 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 (10) days.

6.5: Abandoned animals shall be impounded and shall be kept for no fewer than three (3) working days.

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

6.7: 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.

6.8: Any animal not reclaimed by its owner within three (3) working days, or in the case of a positively identifiable animal within ten (10) days, shall become the property of the local government authority and shall be placed for adoption in a suitable home or humanely disposed of as approved by State Law.

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

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

6.11: It shall be unlawful to resist 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 Officers.

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

#### SECTION 7: DANGEROUS ANIMALS

7.1: The Animal Control Officer and Law Enforcement Officials 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 Oconee 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 that 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 or her discretion, allow the animal owner to impound said animal on said animal owner's property.

7.2: Upon impounding a potentially dangerous animal or a dangerous animal that has attacked, bitten or injured a human being or a domestic animal, a determination hearing should be conducted within five (5) 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 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 (5) 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 Oconee County within ten (10) days of receiving such decision of the Magistrate.

7.3: An animal determined to be dangerous as determined in 7.2 which has attacked or causes injury to a human being or a domestic animal may be ordered destroyed by the Magistrate when in the Magistrate's judgment 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 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 being and/or domestic animals and that the owner has and will fully comply with Sections 7.4. and 7.5 of this Ordinance.

7.4: The owner of a dangerous animal shall secure and confine said dangerous animal on 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 (2) 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 (5) feet by ten (10) feet and not less than six (6) feet high.

7.5: No person owning or harboring or having care of a dangerous animal may permit the animal to go beyond the person's premises unless the dog is securely muzzled and restrained with a leash or chain having a minimum tensile strength of three hundred (300) pounds and not exceeding three (3) feet in length.

**SECTION 8: POTENTIALLY DANGEROUS ANIMAL**

8.1: The Animal Control Officer or Law Enforcement Officials 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 Oconee County Animal Shelter or at a veterinarian designated by the owner at the owner's expense for quarantine pending determination of the animal status as a potentially dangerous animal. The Animal Control Officer or Law Enforcement Officer may, in his or her discretion, allow the animal owner to impound said animal on said animal owner's property.

8.2: Upon impounding a potentially dangerous animal, the determination should be conducted within five (5) 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 of 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 (5) 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 Oconee County within ten (10) days of receiving the decision of the Magistrate.

8.3: Upon a finding that an animal is a potentially dangerous animal, the Magistrate may order that the animal be forfeited by owner or owners and placed with an agency willing to accept custody of said animal or may return said animal to owner if the owner has and will comply with Sections 8.4 and 8.5 of this Ordinance.

8.4: The owner of a potentially dangerous animal shall secure and confine said potentially dangerous animal on 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 (2) 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 (5) feet by ten (10) feet and not less than six (6) feet high.

8.5: 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 dog is securely muzzled and restrained with a leash or chain having a minimum tensile strength of three hundred (300) pounds and not exceeding three (3) feet in length.

## SECTION 9: ANIMAL CARE

9.1: No owner shall fail to provide for his animals with the necessary substance, shelter, and veterinary care when needed to prevent suffering and humane care and treatment. All animals shall be kept in a clean and sanitary condition. The premises upon which animal is kept shall be kept in a clean and sanitary condition and provide adequate light, shelter and ventilation.

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

9.3: Any animal found abandoned and not properly care for, appearing to be diseased or injured past recovery for any useful purpose may be lawfully destroyed by an agent of DHEC, Law Enforcement Officer, Animal Control Officer or Officer of the Humane Society by a method approved by State Law.

9.4: Any animal found abandoned, neglected, cruelly treated, or unfit for use may be seized from the owners property by the Animal Control Officer or Law Enforcement Officer and impounded at the Oconee 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.

9.5: 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.

## SECTION 10: STERILIZATION

No unclaimed dog or cat shall be released for adoption without written agreement by means of a spay/neuter contract from the adopter guaranteeing that such animal will

be sterilized within thirty (30) days for adults and a specified date in the contract for pups and kittens, provided however, the county provides a program whereby the spay/neuter is included with the adoption fee.

No animal shall be released for adoption from the Oconee 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.

#### SECTION 11: ENFORCEMENT

The civil and criminal provisions of the ordinance shall be enforced by those persons or agencies by the county authority. It shall be a violation of this ordinance to interfere with an Animal Control Officer or Law Enforcement Officer in the performance of his/her duties. The Magistrate of Oconee County shall have the authority to issue a bench warrant in the enforcement of this Ordinance.

#### SECTION 12: PENALTIES

12.1: Any person violating any provisions of this ordinance shall be deemed guilty of a misdemeanor and shall for every offense, be guilty of a misdemeanor and be punished by imprisonment in jail not exceeding thirty (30) days or by a fine not exceeding five hundred dollars (\$500.00). In addition, upon conviction of any violation under this article a court may order an animal forfeited by the owner or owners 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.

SECTION 13: APPLICABILITY OF RABIES CONTROL ACT

The provisions of South Carolina Code Section 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 ordinance, except insofar as the provisions of such act may conflict with or be less restrictive than the provisions of this ordinance.

SECTION 14: CONFLICTING ORDINANCES

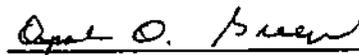
All other ordinances of the County of Oconee that are in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 15: SEVERABILITY CLAUSE

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

  
H. Frank Ables, Jr., Chair  
Oconee County Council

Attest:

  
Opal O. Green, Clerk

1<sup>st</sup> Reading: 9/7/04  
2<sup>nd</sup> Reading: 10/5/04  
3<sup>rd</sup> Reading: 10/17/04

OCONEE COUNTY COUNCIL

ORDINANCE 2005-01

AN ORDINANCE AMENDING ORDINANCE 2004-22, THE OCONEE COUNTY  
ANIMAL CONTROL ACT

SECTION I: TITLE

The title of this ordinance shall be "Oconee County Animal Control Act,"  
replacing Oconee County Ordinances 2004-22.

SECTION II: DEFINITIONS

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

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

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

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

2.4: Animal Rescuer: Any recognized group or person who routinely obtains an  
unwanted dog or cat and/or who finds an adoptive home for that spayed or neutered dog  
or cat.

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

2.6: Humane Society: South Carolina Society for Prevention of Cruelty to  
Animals.

2.7: Humane Society Officer: Any officer or employee of the Humane Society.

2.8: Owner: Any person, partnership, or corporation owning, keeping, or harboring one or more animals. An animal shall be declared to be harbored if it is fed for three consecutive days or more, unless said person, partnership or corporation has notified Animal Control to pick up the stray animal.

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

2.10: Abandoned/Stray Animal: Any animal unattended for a period of more than three days.

2.11: Public Nuisance Animal: Any animal or animals, except those raised for food and/or food products, that unreasonably annoy humans, endanger the life or health of other citizens (other than their owners), or interfere with a citizen's enjoyment of life or property.

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

- a) is found at large after written complaint has been filed;
- b) damages the property of anyone other than its owner;
- c) molests or intimidates pedestrian or passerby;
- d) 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;

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

f) has been found by the animal control officer after notice of its owner to be a public nuisance animal by virtue of being a menace to the public health, welfare, or safety; or

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

2.12: Under Restraint: Animals 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 under the verbal command, or under the active control of the owner or trainer while hunting or being trained and while on property of the owner or with the property owner's permission.

2.13: Dangerous Animal: (A) 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; or

(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 South Carolina Code Section 47-3-720; or

(b) commits unprovoked acts in a place other than the place where the animal is confined as required by South Carolina Code 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; or

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

(4) which attacks, bites, or injures a human being or domesticated animal without adequate provocation, or which, because of temperament, conditioning or training, has a known propensity to attack, bite, or injure human beings or domesticated animals.

(B) An animal is not a “dangerous animal” solely by virtue of its breed or species.

2:14: Potentially Dangerous Animal: 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.

### SECTION 3: AUTHORITY

This ordinance is adopted pursuant to the provisions of Sections 47-3-20, et. seq., Code of Laws of South Carolina, 1976.

### SECTION 4: RESTRAINT

4.1: All animals shall be kept under restraint.

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

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

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

#### SECTION 5: BITING OR ATTACKING PERSONS

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

#### SECTION 6: IMPOUNDMENT AND VIOLATION NOTICE

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

In addition to, or in lieu of, impounding an animal at large, the Animal Control Officer or lawful constable or deputy sheriff may issue to the known owner of such animal a notice of ordinance violation. Such notice shall impose upon the owner a warning for a first offense. The owner shall be charged a penalty of One Hundred (\$100.00) dollars for the second violation. One Hundred Twenty-Five (\$125.00) dollars for the third violation and One Hundred Fifty (\$150.00) dollars for each subsequent violation. Said penalties shall be made payable to the Treasurer of Oconee County and paid at the Oconee 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 of this ordinance, the owner shall be punished as provided in Section 12 of this ordinance. In addition, the owner shall be required to pay a fee of five dollars (\$5.00) per day for each day the animal is boarded by the County, actual cost for inoculation of the animal (if applicable) and a five dollar (\$5.00) impoundment fee. In addition, at the discretion of the animal shelter, a thirty dollar (\$30.00) fee and mandatory sterilization of the animal may be required if the animal is impounded on more than one (1) occasion. Five dollars (\$5.00) shall be the impoundment fee and twenty-five (\$25.00) shall help defray the cost of sterilization. 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.

6.2: 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.

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

6.4: If by tag or other means, the owner of an impounded animal can be identified, the Animal Control Officer shall immediately upon impoundment notify the owner by telephone or certified mail. 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 (10) days.

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

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

6.7: 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.

6.8: Any animal not reclaimed by its owner within five (5) working days, or in the case of a positively identifiable animal within ten (10) days, shall become the property of the local government authority and shall be placed for adoption in a suitable home or humanely disposed of as approved by State Law.

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

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

6.11: It shall be unlawful to resist 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 Officers.

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

#### SECTION 7: DANGEROUS ANIMALS

7.1: The Animal Control Officer and Law Enforcement Officials 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 Oconee 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 that 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 or her discretion, allow the animal owner to impound said animal on said animal owner's property.

7.2: Upon impounding a potentially dangerous animal or a dangerous animal that has attacked, bitten or injured a human being or a domestic animal, a determination hearing should be conducted within five (5) 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 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 (5) 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 Oconee County within ten (10) days of receiving such decision of the Magistrate.

7.3: An animal determined to be dangerous as determined in 7.2 which has attacked or causes injury to a human being or a domestic animal may be ordered destroyed by the Magistrate when in the Magistrate's judgment 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 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 being and/or domestic animals and that the owner has and will fully comply with Sections 7.4. and 7.5 of this Ordinance.

7.4: The owner of a dangerous animal shall secure and confine said dangerous animal on 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 (2) 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 (5) feet by ten (10) feet and not less than six (6) feet high.

7.5: No person owning or 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 three hundred (300) pounds and not exceeding three (3) feet in length.

#### **SECTION 8: POTENTIALLY DANGEROUS ANIMAL**

8.1: The Animal Control Officer or Law Enforcement Officials 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 Oconee County Animal Shelter or at a veterinarian designated by the owner at the owner's expense for quarantine pending determination of the animal status as a potentially dangerous animal. The Animal Control Officer or Law Enforcement Officer may, in his or her discretion, allow the animal owner to impound said animal on said animal owner's property.

8.2: Upon impounding a potentially dangerous animal, the determination should be conducted within five (5) 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 of 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 (5) 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 Oconee County within ten (10) days of receiving the decision of the Magistrate.

8.3: Upon a finding that an animal is a potentially dangerous animal, the Magistrate may order that the animal be forfeited by owner or owners and placed with an agency willing to accept custody of said animal or may return said animal to owner if the owner has and will comply with Sections 8.4 and 8.5 of this Ordinance.

8.4: The owner of a potentially dangerous animal shall secure and confine said potentially dangerous animal on 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 (2) 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 (5) feet by ten (10) feet and not less than six (6) feet high.

8.5: 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 a minimum tensile strength of three hundred (300) pounds and not exceeding three (3) feet in length.

#### SECTION 9: ANIMAL CARE

9.1: No owner shall fail to provide for his animals with the necessary substance, shelter, and veterinary care when needed to prevent suffering and humane care and treatment. All animals shall be kept in a clean and sanitary condition. The premises upon which animal is kept shall be kept in a clean and sanitary condition and provide adequate light, shelter and ventilation.

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

9.3: Any animal found abandoned and not properly care for, appearing to be diseased or injured past recovery for any useful purpose may be lawfully destroyed by an agent of DHEC, Law Enforcement Officer, Animal Control Officer or Officer of the Humane Society by a method approved by State Law.

9.4: Any animal found abandoned, neglected, cruelly treated, or unfit for use may be seized from the owners property by the Animal Control Officer or Law Enforcement Officer and impounded at the Oconee 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.

9.5: 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.

#### SECTION 10: STERILIZATION

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

No animal shall be released for adoption from the Oconee 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.

#### SECTION 11: ENFORCEMENT

The civil and criminal provisions of the ordinance shall be enforced by those persons or agencies by the county authority. It shall be a violation of this ordinance to interfere with an Animal Control Officer or Law Enforcement Officer in the performance of his/her duties. The Magistrate of Oconee County shall have the authority to issue a bench warrant in the enforcement of this Ordinance.

#### SECTION 12: PENALTIES

12.1: Any person violating any provisions of this ordinance shall be deemed guilty of a misdemeanor and shall for every offense, be guilty of a misdemeanor and be punished by imprisonment in jail not exceeding thirty (30) days or by a fine not exceeding five hundred dollars (\$500.00). In addition, upon conviction of any violation under this article a court may order an animal forfeited by the owner or owners 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.

**SECTION 13: APPLICABILITY OF RABIES CONTROL ACT**

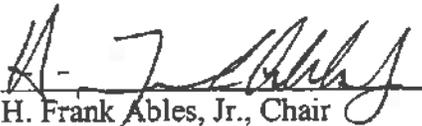
The provisions of South Carolina Code Section 47-5-10 et seq., commonly known as the Rabies Control Act are hereby adopted in their entirety, as the same may be from time to time amended, as an integral part of this ordinance, except insofar as the provisions of such act may conflict with or be less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

**SECTION 14: CONFLICTING ORDINANCES**

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

**SECTION 15: SEVERABILITY CLAUSE**

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

  
H. Frank Ables, Jr., Chair  
Oconee County Council

Attest:

Opal O. Green  
Opal O. Green, Clerk  
Oconee County Council

1<sup>st</sup> Reading: 1/4/05  
2<sup>nd</sup> Reading: 1/18/05  
3<sup>rd</sup> Reading: 2/1/05

**STATE OF SOUTH CAROLINA  
COUNTY OF OCONEE  
ORDINANCE 2022-29**

**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;

**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;

**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*;

**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 Exhibit A which is attached hereto and incorporated herein by reference. Attached hereto as Exhibit 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.

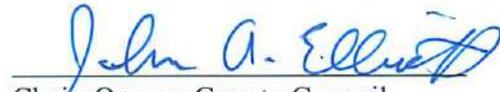
4. All other terms, provisions, and parts of the Code of Ordinances not amended hereby, directly or by implication, shall remain in full force.

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

**ORDAINED** in meeting, duly assembled, this 3<sup>rd</sup> day of January, 2023.

**ATTEST:**

  
Jennifer C. Adams  
Clerk to Oconee County Council

  
Chair, Oconee County Council

First Reading:	November 15, 2022
Second Reading:	December 06, 2022
Third Reading:	January 03, 2023
Public Hearing:	January 03, 2023

**2022-29 EXHIBIT B**

**Chapter 4 ANIMALS<sup>1</sup>**

**Sec. 4-1. Title.**

This chapter shall be known as the Oconee County Animal Control Act.  
(Ord. No. 2005-01, § 1, 2-1-2005)

**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.

*Abandoned animal* means an animal that has been deserted, forsaken, or given up without another owner being secured. An abandoned animal is also one that has not been provided regular access to adequate and appropriate food, water, shelter, and care. Cats subject to an approved community cat program or trap, neuter, spay, and release program are not considered abandoned animals.

*Adequate shelter* means that shelter which will keep a non-aquatic animal dry, out of the direct path of winds, out of direct sun, and at a temperature that is healthful for the animal. The containment area for the animal shall be free of accumulated waste and debris so that the animal shall be free to walk or lie down without coming in contact with waste or debris; shall be free of unsanitary conditions which result in offensive odors or are dangerous to the animal or to public health, welfare or safety; and shall be as free of ticks, fleas, flies, and mosquitoes as reasonably possible. A suitable method of drainage shall be provided to eliminate any excess water or moisture rapidly. Aquatic and semi-aquatic animals shall have an adequate amount of clean water in which to move. For dogs outside and unattended, adequate shelter shall meet the following minimum standards:

1. The shelter shall adequately resist water and wind and be of a suitable size to accommodate the dog and allow retention of body heat.
2. At or below thirty-two degrees Fahrenheit, the structure shall be provided with a sufficient quantity of dry bedding material or other means of protection from the weather that will allow the animal to retain body heat.

<sup>1</sup>Cross reference(s)—Environment, ch. 12.

State law reference(s)—Authority to provide for control of dogs and other domestic pets, S.C. Code 1976, § 47-3-10 et seq.; rabies control, S.C. Code 1976, §§ 47-5-10—47-5-210.

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3. At or above eighty degrees Fahrenheit, each dog must be afforded one or more separate areas of shade large enough to accommodate the entire body of the dog at one time to ensure protection from the direct rays of the sun.

*Animal* means ~~every nonhuman species of animal.~~ a living vertebrate creature, excepting homo-sapiens.

*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. A community cat is not considered an animal at large.

*Animal control officer* means any person designated by the State of South Carolina or county governing authority of Oconee County as a law enforcement officer pursuant to S.C. Code 1976, § 47-3-30.

*Animal rescuer* means any recognized group or person who routinely obtains an unwanted dog or cat and/~~or~~ who promptly finds an adoptive home for that spayed or neutered dog or cat.

*Animal shelter* means any premises designated by the county governing body for the purpose of impounding, care, or ~~destruction~~ humane euthanasia of animals held under authority of this chapter and/or state law.

Community cat means any free-roaming cat found outside, which one or more citizens participate in caring for. Citizens that partake in caring for a community cat must ensure that the cat's ears are tipped so that it can be distinguished from owned or stray cats. Community cats must also be spayed or neutered and vaccinated to prevent the spread of disease to owned animals.

*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 1976, § 47-3-720;
- (3-~~2~~) Which commits unprovoked acts in a place other than the place where the animal is confined as required by S.C. Code 1976, § 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 domesticated animal without adequate provocation, or which, because of temperament, conditioning or training, has a known propensity to attack, bite, or injure human beings or domesticated animals.

An animal is not 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.~~

~~Humane Society officer means any officer or employee of the Humane Society.~~

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*Owner* means any person, partnership, or corporation owning, keeping, or harboring one or more animals. An animal, excluding a community cat, shall be declared to be harbored if it is fed for three (3) consecutive days or more, unless said person, partnership or corporation has notified animal control to pick up the stray animal.

*Pet or companion animal* means any animal kept for pleasure rather than utility; an animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter.

*Potentially dangerous animal* means an animal that, without provocation, 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. The term "public nuisance animal" means and includes, but is not limited to, any 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, (Refer to Chapter 12, Article 2 of the Oconee County Code of Ordinances for additional provisions related to noise disturbance;
- (5) Causes fouling of the air off the premises of the owner by odor resulting from failure to remove feces every 24 hours or washing of same into an approved underground disposal ~~systems~~system every 24 hours, excepting animals lawfully raised for food or food products;
- (6) Has been found by the animal control officer after notice of its owner to be a public nuisance animal by virtue of being a menace to the public health, welfare, or safety; or
- (7) ~~Does~~A dog or cat that 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~~custodian or is accompanied by its owner or ~~keeper~~custodian and under the physical control of such owner or ~~keeper~~custodian by means of a restraining ~~devices, or under the verbal command, or under the active control of the owner or trainer while~~device. This section does not apply to dogs lawfully engaged in hunting ~~or being trained and while on property of the owner or with the property owner's permission.~~

(Ord. No. 2005-01, § 2, 2-1-2005)

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#### Sec. 4-3. Authority.

This chapter is adopted pursuant to the provisions of S.C. Code 1976, § 47-3-20 et seq.  
(Ord. No. 2005-01, § 3, 2-1-2005)

#### Sec. 4-4. Restraint.

- (a) All owned animals shall be kept under restraint, which includes confinement to the owner's or custodian's premises. (See Section 4-2 Definitions, above.)
- (b) No owner shall fail to exercise proper care and control of his animal to prevent it from being a public nuisance.
- (c) ~~Every~~ Owners shall ensure that if their female dog or cat is in heat, it 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.
- (d) Every dangerous animal and potentially dangerous animal, as determined under this chapter, shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.

(e) Owners shall ensure their animals are restrained in a humane manner.

(f) If a dog must be restrained by means other than a fence or other humane enclosure, a tethering system must be used that meets the following criteria:

(1) The tether shall be at least 10 feet in length.

(2) The tether shall not be a logging chain, tow chain, or other tether that is of a weight that is likely to cause injury to the dog;

(3) The tether should have swivels on both ends and allow the dog to have the highest degree of movement practicable without becoming entangled; 360 degrees is ideal. This is best accomplished by using a single stake system with swivel on top to allow the dog free movement. A secondary option is to have the dog tether, with swivels, attached to a trolley system that allows the dog to move freely along a runner line. The trolley system should be at least three feet above the ground.

(4) The tether must allow the dog free access to food, potable water, and adequate shelter (as defined in Section 4-2 of this Chapter).

(5) The tether must be attached to a properly fitting collar or harness so that there is no harm to the dog.

(6) If more than one dog is tethered in the same area, they must be separated to prevent entanglement.

(7) If an underground or wireless fence is used to restrain a dog(s), the fence and appurtenances must be properly maintained so as to keep the dog(s) within the enclosed area and the fence must be capable of restraining the animal confined.

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(Ord. No. 2005-01, § 4, 2-1-2005)

**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 rabies control officer in the department of health and environmental control. Whenever the animal control ~~officer or Humane Society~~ officer is notified and shown that an animal has bitten or attacked a person, such officer shall promptly notify the county department of health and environmental control of such bite or attack and shall cooperate with the health department in impounding and quarantining such animal.

(Ord. No. 2005-01, § 5, 2-1-2005)

**Sec. 4-6. Impoundment and violation notice.**

- (a) (1) Unrestrained and nuisance ~~animals~~animals, upon receipt of a written complaint signed by the complainant, may be taken by law enforcement officials and/or animal control officers 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 animal at large, the animal control officer or lawful constable or deputy sheriff may issue to the known owner of such animal a notice of ordinance violation. ~~Such notice shall impose upon the owner a warning for a first offense. The owner shall be charged a penalty of \$100.00 for the second violation, \$125.00 for the third violation and \$150.00 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. Such notice shall impose upon the owner a warning for a first offense, with subsequent offenses being punishable up to the jurisdictional limits of the magistrate's court~~
- (3) In addition, the owner shall be required to pay a fee of ~~\$5~~10.00 per day for each day the animal is boarded by the county, actual cost for inoculation of the animal (if applicable) and a ~~\$5.00 impoundment fee. In addition, at the discretion of the animal shelter, a fee of \$30.00 and mandatory sterilization of the animal may be required if the animal is impounded on more than one occasion. The impoundment fee shall be \$5.00 and \$25.00 shall help defray the cost of sterilization. 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.~~10.00 impoundment fee. Further, a \$15.00 fee will be charged for a mandatory microchip implant for animals not previously microchipped.
- (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) Impounded dogs and cats shall not be kept for fewer than five ~~working~~(5) calendar days.

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- (d) ~~if by tag or other means~~ Animal control officers shall not destroy any positively identifiable dog until they have notified the owner of an impounded animal can be identified, at his last known address by registered mail that they have the dog in their possession. The owner must notify the animal control officer shall immediately upon impoundment notify the owner by telephone 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 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 days, other charges.
- (e) Abandoned animals shall be impounded and shall be kept for no fewer than five ~~working~~ (5) calendar days.
- (f) 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.
- (g) 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.
- (h) Any animal not reclaimed by its owner within five ~~working~~ (5) calendar days, or in the case of a positively identifiable animal within ten (10) calendar days, shall become the property of the local government authority and shall be placed for adoption in a suitable home or humanely ~~disposed of~~ euthanized, as approved by state law.
- (i) The animal shelter director shall keep complete and accurate records of the care, veterinary treatment, and disposition of all animals impounded at the shelter.
- (j) It shall be unlawful for any person to release or take out of impoundment any animal without proper authority.
- (k) 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.~~
- (l) It shall be unlawful to remove the rabies tag from the dog for which the tag was issued.

(Ord. No. 2005-01, § 6, 2-1-2005)

#### **Sec. 4-7. Dangerous animals.**

- (a) ~~The~~ If an animal control officer ~~and law enforcement officials shall have the power~~ has probable cause to summarily and immediately impound any ~~believe that a dangerous animal where there is any evidence that the animal has attacked, bitten, or injured any human being~~ harbored or cared for in violation of S.C. Code § 47-3-720 (unconfined on premises) or domestic § 47-3-740 (owning/harboring for purposes of fighting) or § 47-3-760(E) (registration), the officer may petition the court having

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- jurisdiction to order the seizure and impoundment of the dangerous animal while the trial is pending.
- (b) If an animal, ~~the~~ control agent has probable cause to believe that a dangerous animal is being harbored or housed in violation of S. C. Code Section § 47-3-730 (unrestrained off premises), the agent or officer may seize and impound the dangerous animal while the trial is pending.
- (c) Animals impounded under subsections (a) or (b), above, 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 ~~that~~ 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 discretion, allow the animal owner to impound said animal on said animal owner's property.
- (~~b~~d) Upon impounding ~~a potentially dangerous an~~ animal ~~or a dangerous animal that has attacked, bitten or injured a human being or a domestic animal~~ under this section, a determination hearing should be conducted ~~within five business days of serving~~ as soon as reasonably possible, with notice ~~to~~ of such hearing being served on the owner by ~~certified~~ registered mail or personal service at least ten (10) days prior to the hearing. 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~~ ten (10) 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 (10) days of receiving ~~such~~ the decision of the magistrate.
- (~~e~~c) An animal determined to be dangerous ~~as determined in subsection (b) of~~ under 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 judgment 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~~ animal shelter 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 (~~e~~f), (~~g~~), and (~~e~~h) of this section.
- (~~e~~f) The owner of a dangerous animal shall secure and confine said dangerous animal on the owner's property in an enclosed pen or structure which must be secured by lock and locked (with a key or combination lock). The pen or structure, shall be 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

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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.

(eg) No person owning or 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.

(h) In accordance with S.C. Code of Laws § 47-3-760 (E) all dangerous animals inside Oconee County must be registered with the Oconee County Animal Control, or its successor "law enforcement authority." If the animal was deemed dangerous by an Oconee County Court, a copy of the court order must be kept on file. If the dangerous animal was transferred into Oconee from another county or state, documentation from that jurisdiction must be provided within thirty (30) days. The Director of Animal Control will be responsible for maintaining records of all dangerous animals inside Oconee County. 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. Oconee County Animal Control, or its successor, shall provide to the owner registering the dangerous animal a metal license tag and a certificate along with a designated dangerous dog collar. Fees for these items must be collected at registration. The metal license tag must be attached to a collar or harness and worn at all times by the dangerous animal for which the certificate and tag have been issued. The pen or structure must be clearly marked on 4 sides with a sign stating "dangerous animal."

(1) Registration information required for dangerous animals:

- (a) Species and breed.
- (b) Address of where animal will be located.
- (c) Owner information.
- (d) Proof of rabies inoculation (must be submitted annually).
- (e) Photo of animal (must be submitted annually).
- (f) Waiver for inspections of confinement site.

(2) The owner of a dangerous animal shall notify Oconee County Animal Control if any changes occur with the following:

(a) Ownership. In the case of a change of ownership, the name, address, and telephone number of the new owner/custodian must, within five (5) days of transfer, be provided to Oconee County Animal Control. Oconee County Animal Control will notify the new owner/custodian of the dangerous animal's status, and also notify the animal control services in the jurisdiction where the animal is housed.

(b) Address change of the owner/custodian or any change in the location in which the animal is housed.

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(c) Any material change in the health status of the animal.

(d) Death of the animal.

(Ord. No. 2005-01, § 7, 2-1-2005)

Cross reference(s)—Environment. ch. 12

**Sec. 4-8. Potentially dangerous animals.**

- (a) The animal control officer or law enforcement officials 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, ~~the a~~ determination hearing should be conducted ~~within five days of serving as soon as reasonably possible, with~~ notice ~~to of such hearing~~ being served on the owner by ~~certified~~registered mail or personal service at least ten (10) days prior to the hearing. 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~~upon the evidence ~~of and~~ testimony presented at the hearing by the owner, witnesses to any ~~incidences, and 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 ten~~ (10) business days after the hearing. The owner of such animal shall have ~~the a~~ right to appeal ~~such a the~~ decision to the court of common pleas of the county within ten (10) 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 the 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 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.

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- (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 a minimum tensile strength of 300 pounds and not exceeding three feet in length.

(Ord. No. 2005-01, § 8, 2-1-2005)

**Sec. 4-9. Animal care.**

- (a) No owner shall fail to provide his animals with:

- (1) ~~The necessary~~Necessary subsistence and adequate shelter, as defined in Section 4-2;
- (2) Veterinary care when needed to prevent suffering; and
- (3) Humane care and treatment.

All animals shall be kept in a clean and sanitary condition. The premises upon which the animal is kept shall be kept in a clean and sanitary condition and provide adequate light, shelter and ventilation.

- (b) No owner of an animal shall abandon such animal. A person who returns a community cat to the location from where it was collected shall not be considered to have abandoned that 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~~humanely euthanized by an agent of the department of health and environmental control, law enforcement officer, or an animal control officer ~~or officer of the Humane Society,~~ by a method approved by state law.

(1) If the animal is identifiable, attempts to contact the owner shall be made by phone or at the residence in person.

(2) If the animal is not identifiable and is in great pain, the cause of which is not reasonably treatable, the animal may be humanely euthanized immediately without attempts to contact the owner.

- (d) Any animal found abandoned, neglected, cruelly treated, or unfit for use may be seized from the owner's property by the 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.

(Ord. No. 2005-01, § 9, 2-1-2005)

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(Supp. No. 44)

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**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.

(Ord. No. 2005-01, § 10, 2-1-2005)

**Sec. 4-11. Enforcement.**

The civil and criminal provisions of this chapter shall be enforced by those persons or agencies legally authorized by the county ~~authority for that purpose~~. 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~~It shall be a violation of this chapter to provide false information to a law enforcement officer or an animal control officer. This includes but is not limited to information provided on intake forms, bite reports, owner surrender forms, complaint forms, and reclaim forms. Any person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction may be fined and/or imprisoned consistent with the jurisdictional limits of the magistrate's court. Additionally, the magistrate of the county shall have the authority to issue a bench warrant in the enforcement of this chapter.

(Ord. No. 2005-01, § 11, 2-1-2005)

**Sec. 4-12. Penalties for violation of chapter.**

Any person found violating any ~~provisions~~provision of this chapter shall be deemed guilty of a misdemeanor and ~~shall, for every each offense, may be guilty of a misdemeanor fined and be punished by imprisonment in jail not exceeding 30 days or by a fine not exceeding \$500.00~~imprisoned consistent with the jurisdictional limits of the magistrate's court. In addition, upon conviction of any violation under this chapter, a court may order an animal forfeited by the owner or owners and placed within 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.

(Ord. No. 2005-01, § 12, 2-1-2005)

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

The provisions of S.C. Code 1976, § 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

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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.

(Ord. No. 2005-01, § 13, 2-1-2005)

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## **2022-29 EXHIBIT A**

### **Chapter 4 ANIMALS<sup>1</sup>**

#### **Sec. 4-1. Title.**

This chapter shall be known as the Oconee County Animal Control Act.  
(Ord. No. 2005-01, § 1, 2-1-2005)

#### **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 animal* means an animal that has been deserted, forsaken, or given up without another owner being secured. An abandoned animal is also one that has not been provided regular access to adequate and appropriate food, water, shelter, and care. Cats subject to an approved community cat program or trap, neuter, spay, and release program are not considered abandoned animals.

*Adequate shelter* means that shelter which will keep a non-aquatic animal dry, out of the direct path of winds, out of direct sun, and at a temperature that is healthful for the animal. The containment area for the animal shall be free of accumulated waste and debris so that the animal shall be free to walk or lie down without coming in contact with waste or debris; shall be free of unsanitary conditions which result in offensive odors or are dangerous to the animal or to public health, welfare or safety; and shall be as free of ticks, fleas, flies, and mosquitoes as reasonably possible. A suitable method of drainage shall be provided to eliminate any excess water or moisture rapidly. Aquatic and semi-aquatic animals shall have an adequate amount of clean water in which to move. For dogs outside and unattended, adequate shelter shall meet the following minimum standards:

1. The shelter shall adequately resist water and wind and be of a suitable size to accommodate the dog and allow retention of body heat.
2. At or below thirty-two degrees Fahrenheit, the structure shall be provided with a sufficient quantity of dry bedding material or other means of protection from the weather that will allow the animal to retain body heat.
3. At or above eighty degrees Fahrenheit, each dog must be afforded one or more separate areas of shade large enough to accommodate the entire body of the dog at one time to ensure protection from the direct rays of the sun.

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<sup>1</sup>Cross reference(s)—Environment, ch. 12.

State law reference(s)—Authority to provide for control of dogs and other domestic pets, S.C. Code 1976, § 47-3-10 et seq.; rabies control, S.C. Code 1976, §§ 47-5-10—47-5-210.

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*Animal* means a living vertebrate creature, excepting homo-sapiens.

*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. A community cat is not considered an animal at large.

*Animal control officer* means any person designated by the State of South Carolina or county governing authority of Oconee County as a law enforcement officer pursuant to S.C. Code 1976, § 47-3-30.

*Animal rescuer* means any recognized group or person who routinely obtains an unwanted dog or cat and who promptly finds an adoptive home for that spayed or neutered dog or cat.

*Animal shelter* means any premises designated by the county governing body for the purpose of impounding, care, or humane euthanasia of animals held under authority of this chapter and/or state law.

*Community cat* means any free-roaming cat found outside, which one or more citizens participate in caring for. Citizens that partake in caring for a community cat must ensure that the cat's ears are tipped so that it can be distinguished from owned or stray cats. Community cats must also be spayed or neutered and vaccinated to prevent the spread of disease to owned animals.

*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 1976, § 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 1976, § 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 domesticated animal without adequate provocation, or which, because of temperament, conditioning or training, has a known propensity to attack, bite, or injure human beings or domesticated animals.

An animal is not a dangerous animal solely by virtue of its breed or species.

*Owner* means any person, partnership, or corporation owning, keeping, or harboring one or more animals. An animal, excluding a community cat, shall be declared to be harbored if it is fed for three (3) consecutive days or more, unless said person, partnership or corporation has notified animal control to pick up the stray animal.

*Pet or companion animal* means any animal kept for pleasure rather than utility; an animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter.

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*Potentially dangerous animal* means an animal that, without provocation, 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, 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. The term "public nuisance animal" means and includes, but is not limited to, any 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. (Refer to Chapter 12, Article 2 of the Oconee County Code of Ordinances for additional provisions related to noise disturbance;
- (5) Causes fouling of the air off the premises of the owner by odor resulting from failure to remove feces every 24 hours or washing of same into an approved underground disposal system every 24 hours, excepting animals lawfully raised for food or food products;
- (6) Has been found by the animal control officer after notice of its owner to be a public nuisance animal by virtue of being a menace to the public health, welfare, or safety; or
- (7) A dog or cat that 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 custodian or is accompanied by its owner or custodian and under the physical control of such owner or custodian by means of a restraining device. This section does not apply to dogs lawfully engaged in hunting.

(Ord. No. 2005-01, § 2, 2-1-2005)

#### **Sec. 4-3. Authority.**

This chapter is adopted pursuant to the provisions of S.C. Code 1976, § 47-3-20 et seq.

(Ord. No. 2005-01, § 3, 2-1-2005)

#### **Sec. 4-4. Restraint.**

- (a) All owned animals shall be kept under restraint, which includes confinement to the owner's or custodian's premises. (See Section 4-2 Definitions, above.)
- (b) No owner shall fail to exercise proper care and control of his animal to prevent it from being a public nuisance.

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- (c) Owners shall ensure that if their female dog or cat is in heat, it 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.
- (d) Every dangerous animal and potentially dangerous animal, as determined under this chapter, shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.
- (e) Owners shall ensure their animals are restrained in a humane manner.
- (f) If a dog must be restrained by means other than a fence or other humane enclosure, a tethering system must be used that meets the following criteria:
- (1) The tether shall be at least 10 feet in length.
  - (2) The tether shall not be a logging chain, tow chain, or other tether that is of a weight that is likely to cause injury to the dog;
  - (3) The tether should have swivels on both ends and allow the dog to have the highest degree of movement practicable without becoming entangled; 360 degrees is ideal. This is best accomplished by using a single stake system with swivel on top to allow the dog free movement. A secondary option is to have the dog tether, with swivels, attached to a trolley system that allows the dog to move freely along a runner line. The trolley system should be at least three feet above the ground.
  - (4) The tether must allow the dog free access to food, potable water, and adequate shelter (as defined in Section 4-2 of this Chapter).
  - (5) The tether must be attached to a properly fitting collar or harness so that there is no harm to the dog.
  - (6) If more than one dog is tethered in the same area, they must be separated to prevent entanglement.
  - (7) If an underground or wireless fence is used to restrain a dog(s), the fence and appurtenances must be properly maintained so as to keep the dog(s) within the enclosed area and the fence must be capable of restraining the animal confined.

(Ord. No. 2005-01, § 4, 2-1-2005)

#### **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 rabies control officer in the department of health and environmental control. Whenever the animal control officer is notified and shown that an animal has bitten or attacked a person, such officer shall promptly notify the county department of health and environmental control of such bite or attack and shall cooperate with the health department in impounding and quarantining such animal.

(Ord. No. 2005-01, § 5, 2-1-2005)

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**Sec. 4-6. Impoundment and violation notice.**

- (a) (1) Unrestrained and nuisance animals, upon receipt of a written complaint signed by the complainant, may be taken by law enforcement officials and/or animal control officers 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 animal at large, the animal control officer or lawful constable or deputy sheriff may issue to the known owner of such animal a notice of ordinance violation. Such notice shall impose upon the owner a warning for a first offense, with subsequent offenses being punishable up to the jurisdictional limits of the magistrate's court
- (3) In addition, the owner 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) and a \$10.00 impoundment fee. Further, a \$15.00 fee will be charged for a mandatory microchip implant for animals not previously microchipped.
- (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) Impounded dogs and cats shall not be kept for fewer than five (5) calendar days.
- (d) Animal control officers shall 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.
- (e) Abandoned animals shall be impounded and shall be kept for no fewer than five (5) calendar days.
- (f) 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.
- (g) 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.
- (h) Any animal not reclaimed by its owner within five (5) calendar days, or in the case of a positively identifiable animal within ten (10) calendar days, shall become the property of the local government authority and shall be placed for adoption in a suitable home or humanely euthanized, as approved by state law.
- (i) The animal shelter director shall keep complete and accurate records of the care, veterinary treatment, and disposition of all animals impounded at the shelter.

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- (j) It shall be unlawful for any person to release or take out of impoundment any animal without proper authority.
  - (k) It shall be unlawful to resist or hinder animal control officers or law enforcement officers engaging in the capture and impoundment of an animal.
  - (l) It shall be unlawful to remove the rabies tag from the dog for which the tag was issued.
- (Ord. No. 2005-01, § 6, 2-1-2005)

**Sec. 4-7. Dangerous animals.**

- (a) If an animal control officer has probable cause to believe that a dangerous animal is being harbored or cared for in violation of S.C. Code § 47-3-720 (unconfined on premises) or § 47-3-740 (owning/harboring for purposes of fighting) or § 47-3-760(E) (registration), the officer may petition the court having jurisdiction to order the seizure and impoundment of the dangerous animal while the trial is pending.
- (b) If an animal control agent has probable cause to believe that a dangerous animal is being harbored or housed in violation of S. C. Code Section § 47-3-730 (unrestrained off premises), the agent or officer may seize and impound the dangerous animal while the trial is pending.
- (c) Animals impounded under subsections (a) or (b), above, 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 discretion, allow the animal owner to impound said animal on said animal owner's property.
- (d) Upon impounding an animal under this section, a determination hearing should be conducted as soon as reasonably possible, with notice of such hearing being served on the owner by registered mail or personal service at least ten (10) days prior to the hearing. 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 ten (10) 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 (10) days of receiving the decision of the magistrate.
- (e) An animal determined to be dangerous under 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 judgment 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 animal shelter or law enforcement officer. A

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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 (f), (g), and (h) of this section.

- (f) The owner of a dangerous animal shall secure and confine said dangerous animal on the owner's property in an enclosed pen or structure which must be secured by lock and key or combination lock. The pen or structure shall be suitable to prevent the animal from escaping. 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.
- (g) No person owning or 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.
- (h) In accordance with S.C. Code of Laws § 47-3-760 (E) all dangerous animals inside Oconee County must be registered with the Oconee County Animal Control, or its successor "law enforcement authority." If the animal was deemed dangerous by an Oconee County Court, a copy of the court order must be kept on file. If the dangerous animal was transferred into Oconee from another county or state, documentation from that jurisdiction must be provided within thirty (30) days. The Director of Animal Control will be responsible for maintaining records of all dangerous animals inside Oconee County. 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. Oconee County Animal Control, or its successor, shall provide to the owner registering the dangerous animal a metal license tag and a certificate along with a designated dangerous dog collar. Fees for these items must be collected at registration. The metal license tag must be attached to a collar or harness and worn at all times by the dangerous animal for which the certificate and tag have been issued. The pen or structure must be clearly marked on 4 sides with a sign stating "dangerous animal."

(1) Registration information required for dangerous animals:

- (a) Species and breed.
- (b) Address of where animal will be located.
- (c) Owner information.
- (d) Proof of rabies inoculation (must be submitted annually).
- (e) Photo of animal (must be submitted annually).
- (f) Waiver for inspections of confinement site.

(2) The owner of a dangerous animal shall notify Oconee County Animal Control if any changes occur with the following:

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(a) **Ownership.** In the case of a change of ownership, the name, address, and telephone number of the new owner/custodian must, within five (5) days of transfer, be provided to Oconee County Animal Control. Oconee County Animal Control will notify the new owner/custodian of the dangerous animal's status, and also notify the animal control services in the jurisdiction where the animal is housed.

(b) Address change of the owner/custodian or any change in the location in which the animal is housed.

(c) Any material change in the health status of the animal.

(d) Death of the animal.

(Ord. No. 2005-01, § 7, 2-1-2005)

Cross reference(s)—Environment. ch. 12

**Sec. 4-8. Potentially dangerous animals.**

- (a) The animal control officer or law enforcement officials 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 as soon as reasonably possible, with notice of such hearing being served on the owner by registered mail or personal service at least ten (10) days prior to the hearing. 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 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 ten (10) 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 (10) 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 the 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 a key or combination lock) pen or structure, suitable to prevent the animal from escaping said pen or

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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 a minimum tensile strength of 300 pounds and not exceeding three feet in length.

(Ord. No. 2005-01, § 8, 2-1-2005)

**Sec. 4-9. Animal care.**

- (a) No owner shall fail to provide his animals with:

- (1) Necessary subsistence and adequate shelter, as defined in Section 4-2;
- (2) Veterinary care when needed to prevent suffering; and
- (3) Humane care and treatment.

All animals shall be kept in a clean and sanitary condition. The premises upon which the animal is kept shall be kept in a clean and sanitary condition and provide adequate light, shelter and ventilation.

- (b) No owner of an animal shall abandon such animal. A person who returns a community cat to the location from where it was collected shall not be considered to have abandoned that 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 humanely euthanized by an agent of the department of health and environmental control, law enforcement officer, or an animal control officer, by a method approved by state law.
  - (1) If the animal is identifiable, attempts to contact the owner shall be made by phone or at the residence in person.
  - (2) If the animal is not identifiable and is in great pain, the cause of which is not reasonably treatable, the animal may be humanely euthanized immediately without attempts to contact the owner.
- (d) Any animal found abandoned, neglected, cruelly treated, or unfit for use may be seized from the owner's property by the 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.

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- (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.

(Ord. No. 2005-01, § 9, 2-1-2005)

**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.

(Ord. No. 2005-01, § 10, 2-1-2005)

**Sec. 4-11. Enforcement.**

The civil and criminal provisions of this chapter shall be enforced by those persons or agencies legally authorized by the county for that purpose. 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. It shall be a violation of this chapter to provide false information to a law enforcement officer or an animal control officer. This includes but is not limited to information provided on intake forms, bite reports, owner surrender forms, complaint forms, and reclaim forms. Any person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction may be fined and/or imprisoned consistent with the jurisdictional limits of the magistrate's court. Additionally, the magistrate of the county shall have the authority to issue a bench warrant in the enforcement of this chapter.

(Ord. No. 2005-01, § 11, 2-1-2005)

**Sec. 4-12. Penalties for violation of chapter.**

Any person found violating any provision of this chapter shall be deemed guilty of a misdemeanor and, for each offense, may be fined and/or imprisoned consistent with the jurisdictional limits of the magistrate's court. In addition, upon conviction of any violation under this chapter, a court may order an animal forfeited by the owner or owners and placed within 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.

(Ord. No. 2005-01, § 12, 2-1-2005)

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

The provisions of S.C. Code 1976, § 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.

(Ord. No. 2005-01, § 13, 2-1-2005)

# THE JOURNAL

## PUBLISHER'S AFFIDAVIT

STATE OF SOUTH CAROLINA COUNTY OF OCONEE

OCONEE COUNTY COUNCIL

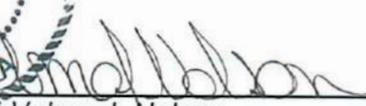
IN RE:

*BEFORE ME* the undersigned, a Notary Public for the State and County above named, This day personally came before me, Larry Davidson, 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

**January 10, 2026**

the rate charged therefore is not in excess of the regular rates charged private individuals for similar insertions.

  
\_\_\_\_\_  
Larry Davidson  
General Manager

  
  
\_\_\_\_\_  
Velma J. Nelson  
Notary Public  
State of South Carolina

Subscribed and sworn to before me this  
1/10/2026

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### HOUSES FOR SALE

#### PUBLISHERS NOTICE

All real estate advertising in this newspaper is subject to Federal Fair Housing Act of 1968 which makes it illegal to advertise "any preference, limitations or discrimination" based on race, color, religion, sex, handicap, familial status or national origin, or intention to make any such preference, limitation or discrimination." This newspaper will not knowingly accept any advertising for real estate which is in violation of the law. Our readers are hereby informed that all dwellings advertised in this newspaper are available on an equal opportunity basis.

### LEGALS

#### Public Notice

Linda A. Traynor, Director of the South Carolina Department of Health and Environmental Control, is a Non-Construction in Navigable Waters Permit to remove 177 cubic yards of silt by using an excavator on a barge at the edge of the shoreline and transported by barge to the off-load staging area. The silt will be removed from under and around the privately owned dock located at 122 Fair Haven Ct in Seneca, SC on Lake Keowee. Comments will be received by South Carolina Department of Health and Environmental Control at 2600 Bull St, Columbia SC 29201, ATTN: Charles Hightower, Division of Water Quality, until January 23, 2025.

#### Public Notice

Sharon Swindale has applied to the South Carolina Department of Health and Environmental Control for a Construction in Navigable Waters Permit to remove 256 cubic yards of silt by using an excavator on a barge at the edge of the shoreline and transported by barge to the off-load staging area. The silt will be removed from under and around the privately owned dock located at 13058 Janda Road in Seneca, SC on Lake Keowee. Comments will be received by South Carolina Department of Health and Environmental Control at 2600 Bull St, Columbia SC 29201, ATTN: Charles Hightower, Division of Water Quality, until January 23, 2025.

The Oconee County Aeronautics Commission meeting scheduled for Thursday January 29, 2026 has been canceled.

The meeting will instead be held on Tuesday January 27, 2026 at 3:30 pm in the Oconee County Chambers located at 415 S. Pine St., Walhalla, SC.

#### MEETING NOTICE OF THE PIONEER RURAL WATER DISTRICT

5500 West-Oak Hwy., Westminster, SC  
Tuesday January 13, 2026 @ 3:00 pm

Agenda:  
Call To Order  
Concerns of the District  
Limited: 2 citizens per meeting, for 5 minutes,  
prior scheduling required.  
Agenda & Non Agenda Items: Combined both are limited to a total of forty (40) minutes, four (4) minutes per person.  
Approval of Minutes  
Financial Report / System Report  
Treatment Plant PER Discussion  
Old Business  
New Business  
Adjourn

The Oconee County Council will meet in 2026 on the first and third Tuesday of each month with the following exceptions:

June and November meetings, which will be only on the third Tuesday of each of these months; October and December meetings, which will be only on the first Tuesday of each of these months.

All Council meetings, unless otherwise noted, are held in Council Chambers, Oconee County Administrative Offices, 415 South Pine Street, Walhalla, South Carolina.

Oconee County Council will also hold a Planning Retreat beginning at 9:00 a.m. on Friday, February 20, 2026 to establish short- and long-term goals.

This meeting will be held off-site at Tri-County Technical College, Oconee Campus, conference room located at 552 Education Way, Westminster, South Carolina.

Oconee County Council will also meet on Tuesday, January 5, 2027 in Council Chambers at which point they will establish their 2027 Council and Committee meeting schedules. Additional Council meetings, workshops, and/or committee meetings may be added throughout the year as needed.

Oconee County Council Committees will meet in 2026 prior to County Council meetings on the following dates/times in Council Chambers located at 415 South Pine Street, Walhalla, South Carolina unless otherwise advertised.

The Law Enforcement, Public Safety, Health, & Welfare Committee at 4:30 p.m. on the following dates: February 17, May 19, July 21, & September 15, 2026.

The Transportation Committee at 4:30 p.m. on the following dates: February 17, May 19, July 21, & September 15, 2026.

The Real Estate, Facilities, & Land Management Committee at 4:30 p.m. on the following dates: April 7, June 16, August 18, & October 06, 2026. The Planning & Economic Development Committee at 4:30 p.m. on

the following dates: April 7, June 16, August 18, & October 06, 2026. The Budget, Finance, & Administration Committee at 9:00 a.m. on the following dates: Friday, February 20th [Strategic Planning Retreat], Friday, February 27th [Budget Workshop] and 4:30 p.m. on the following dates: March 3, April 21, & May 5, 2026.

The Corinth-Shiloh Fire Commission will meet during 2026 on the third Thursday of each month. All Commission meetings, unless otherwise noted, will be held at the Corinth-Shiloh Fire Department, 940 Old Clemson Highway, Seneca, SC 29672, at 6:00 p.m. in the training room.

The Commission will hold two budget workshops on Tuesday, February 12, and Tuesday, March 6, at 6:00 p.m. at the fire department. The annual budget meeting will be held on Thursday, March 19, 2026, at 6:00 p.m.

Additional Commission meetings and/or workshops may be scheduled throughout the year as needed. A monthly schedule is available at the fire department.

Members of the Commission are invited to attend Corinth-Shiloh Volunteer Fire Department meetings, trainings, and community activities. These events will have no Commission agenda items and no Commission action will be taken. The monthly department meeting is held on the first Monday of each month. Training is held on the third Monday of each month, as well as the Saturday following the third Monday. A monthly schedule of activities, including dates and times, is available at the fire department.

Several fire department ceremonies are planned for 2026, to which the Fire Commission is invited. These events will have no Commission agenda items and no Commission action will be taken. Scheduled events include Meet the Chief on January 15 from 5:00 p.m. to 6:00 p.m., and the Transfer of Command on Friday, February 27, at 6:00 p.m. Summer and fall family events, Station Open Houses and other community fire department events, and the annual Christmas dinner has not yet been scheduled. Once

finalized, dates, times, and locations will be available at the fire department. These events will have no Commission agenda items and no Commission action will be taken.

Commission agendas will be available and publicized no later than the day prior to the scheduled meeting and/or workshop at [www.corinthshilohfd.com](http://www.corinthshilohfd.com). All meetings and workshops, with the exception of executive sessions, are open to the public.

**CLASSIFIEDS WORK!**

# Oconee County Council

Oconee County  
Administrative Offices  
415 South Pine Street  
Walhalla, SC 29691

Phone: 864-718-1023  
Fax: 864 718-1024

E-mail:  
[jennifercadams@oconeesc.com](mailto:jennifercadams@oconeesc.com)

John Elliott  
District I

Matthew Durham  
Chairman  
District II

Don Mize  
Vice Chairman  
District III

Thomas James  
Chairman Pro Tem  
District IV

J. Glenn Hart  
District V



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Sec. 2-61. - Access to and conduct at county meetings, facilities and property.

(a) *Purpose.* The county council has determined that it is necessary to regulate access to county facilities, grounds and property in order to ensure the safety and security of the public who visit these areas or the county employees who serve them. **The conduct of persons who visit county facilities and/or who have contact with county employees must also be regulated to preserve public order, peace and safety.** The regulation of access and conduct must be balanced with the right of the public to have reasonable access to public facilities and to receive friendly, professional service from county employees. These regulations apply to all county facilities and meetings, as defined below, for and over which county council exercises control and regulation, and to the extent, only, not pre-empted by state or federal law.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Facility* means any building, structure, or real property owned, leased, rented, operated or occupied by the county or one of its departments, offices or agencies.

***Meeting* means any assemblage of persons for the purpose of conducting county governmental business, operations or functions or any assemblage of persons within a county governmental facility.** The term "meeting" includes, but is not limited to, county council meetings, county board and committee and staff meetings, trials, hearings and other proceedings conducted in the courts of general sessions and common pleas, family court, master-in-equity, probate court and magistrate's court; and other meetings by entities duly authorized by the county council.

(c) *Prohibited acts.* It shall be unlawful for any person to:

- (1) **Utter loud, obscene, profane, threatening, disruptive or abusive language or to engage in any disorderly or disruptive conduct that impedes, disrupts or disturbs the orderly proceedings of any meeting,** or operations of any department or function of the county government, including, without limitation, speaking when not explicitly recognized and authorized to do so by the presiding official in such meeting.
- (2) Bring, carry, or otherwise introduce any firearm, knife with blade longer than two inches or other dangerous weapon, concealed or not concealed, into any facility or meeting. This prohibition does not apply to law enforcement personnel or any other person whose official, governmental duties require them to carry such firearm, knife, or other weapon.
- (3) Engage in partisan political activity, including speech, in any meeting not authorized and called for the purpose of partisan political activity and explicitly authorized for such purpose in the facility in which such activity is to be conducted, or refusing to cease such activity when

the presiding official of the meeting in question has ruled that the activity in question is partisan political activity and has directed that such activity stop.

- (4) Interfere with, impede, hinder or obstruct any county governmental official or employee in the performance of his duties, whether or not on county government property.
- (5) Enter any area of a county government facility, grounds or property when such entry is prohibited by signs, or obstructed or enclosed by gates, fencing or other physical barriers. Such areas include rooms if clearly marked with signs to prohibit unauthorized entry.
- (6) Enter by vehicle any area of a county governmental facility, grounds or property when such area is prohibited by signs or markings or are obstructed by physical barriers; or park a vehicle in such restricted areas; or park in a manner to block, partially block or impede the passage of traffic in driveways; or park within 15 feet of a fire hydrant or in a fire zone; or park in any area not designated as a parking space; or park in a handicapped parking space without proper placarding or license plate; or park in a reserved parking space without authorization.
- (7) Use any county governmental facility, grounds or other property for any purpose not authorized by law or expressly permitted by officials responsible for the premises.
- (8) Enter without authorization or permission or refuse to leave any county governmental facility, grounds or other property after hours of operation.
- (9) Obstruct or impede passage within a building, grounds or other property of any county governmental facility.
- (10) Enter, without legal cause or good excuse, a county governmental facility, grounds or property after having been warned not to do so; or, having entered such property, fail and refuse without legal cause or good excuse to leave immediately upon being ordered or requested to do so by an official, employee, agent or representative responsible for premises.
- (11) Damage, deface, injure or attempt to damage, deface or injure a county governmental property, whether real property or otherwise.
- (12) Enter or attempt to enter any restricted or nonpublic ingress point or any restricted access area, or bypass or attempt to bypass the designated public entrance or security checkpoint of a facility without authorization or permission.
- (13) Perform any act which circumvents, disables or interferes with or attempts to circumvent, disable or interfere with a facility's security system, alarm system, camera system, door lock or other intrusion prevention or detection device. This includes, without limitation, opening, blocking open, or otherwise disabling an alarmed or locked door or other opening that would allow the entry of an unauthorized person into a facility or restricted access area of the facility.
- (14) Exit or attempt to exit a facility through an unauthorized egress point or alarmed door.

(d) *Penalty for violation of section.* Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished in accordance with section 1-7. In addition, vehicles that are improperly parked on any county property, facility, or other premises may be towed at the owner's expense.

(Ord. No. 2003-04, §§ 1—4, 4-15-2003; Ord. No. 2012-06, § 1, 4-3-2012)

# Solid Waste Update

**February 17, 2026**

<b>ACTIVITY</b>	<b>FY 17/18</b>	<b>FY 18/19</b>	<b>FY 19/20</b>	<b>FY 20/21</b>	<b>FY 21/22</b>	<b>FY22/23</b>	<b>FY23/24</b>	<b>FY24/25</b>
<b>MSW Tons</b>	43,591	43,852	48,957	54,914	56,429	52,326	51,520	51,629
<b>C&amp;D Tons</b>	25,252	26,800	44,310	59,006	47,112	46,665	49,287	44,940
<b>Recyclables Tons</b>	3,750	4,279	4,318	4,329	4,287	4,014	4,380	4,385
<b>Yard Waste Tons</b>	9,858	9,857	11,803	3,046	5,535	5,163	5,983	5,316
<b>Mulch Processed Tons</b>	4,899	8,722	9,166	1,284	4,454	2,830	4,182	4,151
<b>Tire Tons</b>	334	356	319	398	401	340	338	347
<b>Recycle Center MSW Tons</b>	15,581	15,781	17,256	17,757	17,014	16,386	16,335	16,716
<b>Recyclable Pulls</b>	1,386	1,585	1,334	1,313	1,596	1,554	1,813	1,728
<b>OCSW MSW Pulls</b>	2,179	2,226	2,380	2,444	2,419	2,366	2,341	2,342
<b>C&amp;D Recycled</b>	12,427	15,326	16,467	22,512	29,821	16,217	11,732	10,662
<b>Total Tons Managed</b>	94,878	100,114	125,855	143,807	143,184	124,385	122,902	116,932
<b>Total Pulls</b>	3565	3811	3714	3757	4015	3920	4154	4070

<b>ACTIVITY</b>	<b>FY 20/21</b>	<b>FY 21/22</b>	<b>FY 22/23</b>	<b>FY 23/24</b>	<b>FY 24/25</b>
<b>Cardboard</b>	1173	1277	1250	1388	1463
<b>Mixed Paper</b>	582	430	280	440	294
<b>Newspaper</b>	4	0	0	0	0
<b>Glass</b>	354	422	402	405	436
<b>Plastic</b>	0	49	83	93	91
<b>Aluminum Cans</b>	16	38	38	44	44
<b>Scrap Metal</b>	1669	1527	1486	1574	1594
<b>Various Recyclables</b>	24	35	15	13	9
<b>Batteries</b>	26	31	32	15	13
<b>Used Oil</b>	84	75	78	61	85
<b>Tires</b>	398	401	340	338	347
<b>Total Recyclables</b>	4330	4285	4004	4371	4376

# Equipment Issues

- Current landfill compactor – purchased in 2016
- Has over 16,000 hours of run time.
- Has compacted +/- 365,000 tons of waste.
- Has become unreliable as a daily use machine.



# Equipment Issues

- New Compactor Wheels



- Our Compactor Wheels



# Uncompacted Waste



# Landfill Equipment – Wood Grinder

- Current wood grinder– purchased in 2008
- Has processed over 110,000 tons of material.
- Currently, waiting on parts that are 4-6 weeks out.
- Since June 2025, it has cost over \$80,000 to have a third party grind the material.

# Landfill Scalehouse Replacement/Relocation

- Smith Gardner Inc started stormwater and wetlands plans for permitting in 2021.
- Due to varying situations and changes to entrance locations, plans were not submitted to SC DES and the US Corp of Engineers until 2022/2023.
- Smith Gardner received notice that the US Corp has approved the stream crossing and now just waiting on approval from SC DES.
- Once stormwater approval is received, then.....
  - Highway right of way
  - Road construction
  - Stream crossing
  - Scalehouse Design and Scales



# Landfill Complaint Number 1: Backing into Landfill



# Landfill Complaint Number 1: Backing into Landfill



# Landfill Complaint Number 1: Backing into Landfill



# Landfill Complaint Number 1: Backing into Landfill



# Landfill Complaint Number 1: Backing into Landfill



# Landfill Complaint Number 1: Backing into Landfill



# Landfill Complaint Number 1: Backing into Landfill



# Landfill Complaint Number 2: Waiver System/ My Home

The landfill waiver system issues waivers for customers who either own a business or works for a business and uses said equipment to bring waste from their own personal dwelling for disposal.

Issues:

1. Business's always claiming everything is coming from their home.
2. Customer's with multiple rental properties claiming the cleanouts are from their home.
3. Someone gets the waiver and then proceeds to have their employee's haul the material.
4. Someone gets the waiver and hauls someone else's material or from a job site.
5. Someone is denied a waiver because they did not meet the criteria and then proceeds to call and get it overturned by someone who does not know the situations.

## Tiping Fee Waiver Form Guidance Sheet

1. Tiping fees at Oconee County Disposal Facilities are applied per Oconee County Ordinance no. 2018-16. This waiver form must be submitted and approved prior to start of construction, demolition, clean-up, etc. Failure to do so will result in denial of waiver.

### 2. Approvable reasons for waivers:

- a. Debris coming from legitimate non-profit organizations, up to 50 tons per year for construction debris and up to 5 tons per year of other waste coming from thrift stores represented by the non-profit.
- b. Debris coming from owners' **own personal residence** within Oconee County, SC. A personal residence is where the owner *primarily* lives.
- c. Clean-up from natural disaster or catastrophe in which contractor/business is not being reimbursed in any way.

### 3. Waivers will not be granted for the following reasons:

- a. Contractor performing job for free or swapping equipment or services in lieu of payment. Fees will not be waived for a contractor hauling for the resident.
  - b. In case of fire or natural event (i.e. flood, hail storm, wind damage, tornado, etc), property owners must use insurance funds that are designated for disposal first. Once insurance funds for disposal have been exhausted, then waiver of fees may be approved.
  - c. Debris or material coming from rental property, businesses, farms, apartment complexes, offices, or any other commercial/industrial property. Debris or material coming from locations other than a personal residence such as secondary homes, undeveloped properties, property of relatives, and/or property of friends.
4. Any waivers approved for reasons listed in section 2 can be reversed if any of the conditions change to reasons listed in section 3.
  5. As stated on Tiping Fee Waiver Form, by signing the form, any misrepresentation or false information provided to obtain a waiver will be considered fraud and turned over to the proper authorities.

# Tipping Fee Waiver Form

Property

Property Owner Name

Property Address

Owner Phone Number

City

State

Zip

Business

Business Name

Business Address

Business Phone Number

City

State

Zip

Decal  
Number

Load(s)

Type of waste to be disposed (check below)

Construction

Furniture

Yard Waste

Land Clearing Debris

Household/kitchen trash

Approximate number of loads

Description of project

Anyone dumping illegally or improperly is subject to State laws and/or Oconee County ordinances. Those person(s) deciding to do so may incur fines and/or Community Service time and/or, (depending on weight of waste illegally dumped) have their vehicle confiscated.

Person(s) deciding to misrepresent the source and/or content of their waste are committing fraud and also become subject to State laws and Oconee County ordinances. One example would be representing waste as being from your residence when it was actually generated at a job. Evidence of fraud will be turned over to proper authorities.

Property Owner Signature

Date

Business Owner Signature

Date

Approved  Denied  Initials \_\_\_\_\_ File Name \_\_\_\_\_

# Landfill Complaint Number 2: Waiver System/My Home

- 1. Currently, all residents of Oconee County can dispose of their waste either at recycle centers or the landfill for free unless they arrive in a commercial vehicle or a commercial size vehicle or trailer.
- 2. The Solid Waste Department offsets tax dollars with tipping fees and the sale of recyclables.
- 3. An average resident in SC disposes of about 1,800 pounds of household waste per year. This equates to the following

<b>Household</b>	<b>Tons Disposed</b>	<b>Cost Per Household</b>
1	0.9	\$46
2	1.8	\$93
3	2.7	\$139
4	3.6	\$185

# Landfill Complaint Number 2: Waiver System/My Home

## My Home:

1. Oconee small business owner or rental property owner brings waste to landfill and states its from his home.
2. A resident of Pickens/Anderson County comes to the landfill and states it is coming from their home. Because we do not check addresses, the scale house clerk lets them in at no charge.
3. Customers with a commercial size vehicle, dump truck, dump trailer, etc saying it is from their house.

# Landfill Complaint Number 2: Waiver System/My Home

The Solid Waste budget makes up approximately **10** percent of tax bill.

<b>Budgets</b>	<b>FY22</b>	<b>FY23</b>	<b>FY24</b>	<b>FY25</b>
<b>Solid Waste</b>	\$5,086,095.00	\$5,757,776.00	\$6,299,273.00	\$6,573,341.00
<b>Oconee</b>	\$54,757,817.00	\$56,902,014.00	\$60,743,422.00	\$63,751,356.00
	9.29%	10.12%	10.37%	10.31%

# Landfill Complaint Number 2: Waiver System/My Home

Common Phrase: “I pay taxes! I should be allowed to throw away what I want!”

<b>Residential Property Value</b>	<b>County Taxes</b>	<b>Applicable to Solid Waste (~10%)</b>		<b>Average Occupancy</b>	<b>Household Waste Average (Tons)</b>	<b>Tipping Fee Cost</b>
\$100,000.00	\$420.00	\$42.00		2.95	2.655	\$136.73
\$200,000.00	\$840.00	\$84.00		2.95	2.655	\$136.73
\$300,000.00	\$1,360.00	\$136.00		2.95	2.655	\$136.73
median \$240,000.00	\$1,007.00	\$100.70		2.95	2.655	\$136.73

# Landfill Complaint Number 2: Waiver System/My Home

## **Proposal: Implement Landfill Pay to Use**

1. Every resident would present their driver's license and waste disposal would be connected to the listed address.
  1. 2 Tons (4,000) pounds free each year.
  2. Renews each calendar year.
2. Commercial customers still pay. They will have to provide if in/out of county.
3. All out of county waste is immediately paid for at the Out-of-County rate.
4. Puts all residents and commercial customers on a level playing field.
5. Does away with all waivers.
6. Non-profits would still be held to current ordinance guidelines.
7. Other counties have implemented these policies in SC.

# Revenue

- Based just upon the waivers that were issued

<b>Fiscal Year</b>	<b>Waivers Issued</b>	<b>Waivers Denied</b>	<b>Over 2 Tons</b>	<b>Under 2 Tons</b>	<b>Over (tons)</b>	<b>Under (tons)</b>	<b>Estimated Revenue</b>
2023	82	27	49	33	532	28	\$19,542.00
2024	73	41	41	32	473	29	\$17,576.00
2025	98	57	58	58	479	42	\$16,334.00

- This does not include the additional out-of-county revenue that will be generated.