



A G E N D A
LAW ENFORCEMENT, PUBLIC SAFETY,
HEALTH & WELFARE COMMITTEE MEETING
October 9, 2018

5:30 PM

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

- 1. Call to Order**
- 2. Approval of Minutes**
 - May 3, 2018
- 3. Presentation on the Emergency Services Capital Plan – Chief King**
- 4. EMS Update – GHS Director**
- 5. Presentation regarding Solid Waste Ordinance & Animal Control Ordinance – Ms. Edda Cammick**
- 6. Discussion Items:**
 - **Discussion of Solid Waste Disposal fees**
 - **Discussion regarding the proposed Animal Control Ordinance**
 - **Discussion regarding mosquitoes**
- 7. Other Business**

[to include Vote and/or Action on matter brought up for discussion, if required]
- 8. Adjourn**

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

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

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

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

Oconee County Council & Committee meeting schedules and agendas are posted
at the Oconee County Administration Building and are available
on the County Council Website www.oconeesc.com/council.html

[All upcoming meetings will be held in Council Chambers unless otherwise noted]

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

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

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

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

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

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

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

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

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

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

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

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

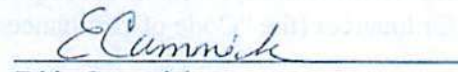
4. All other terms, provisions, and parts of the Code of Ordinances, not amended hereby, directly or by implication, shall remain in full force and effect.

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

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

ATTEST:


Katie D. Smith
Clerk to Oconee County Council


Edda Cammick
Chair, Oconee County Council

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

ORDINANCE 2018-16

ATTACHMENT A

Section 1. PURPOSE

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

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

Section 2. AUTHORITY

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

Section 3. JURISDICTION

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

Section 4. DEFINITIONS

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

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

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

Section 5. THE OCONEE COUNTY SOLID WASTE DEPARTMENT

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

Section 6. COLLECTORS

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

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

(c) Collection.

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

Section 7. OCONEE COUNTY DISPOSAL FACILITIES

(a) General Provisions.

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

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

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

(b) Construction and Demolition Landfill.

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

(c) Solid Waste Complex-Transfer Station.

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

(d) Mulching Yard.

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

(e) Recycling and Convenience Centers.

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

- (2) Only Residential Solid Waste generated within the County shall be disposed of at a Recycling and Convenience Center. Waste tires are not accepted at County Recycling and Convenience Centers but must be disposed of at the County Transfer Station.
 - (3) Recycling and Convenience Centers are not for use by any commercial enterprise or commercial activity.
 - (4) Collectors are prohibited from depositing their customers' Solid Waste at a Recycling and Convenience Center.
 - (5) The Department reserves the right to refuse entry to a vehicle that may cause a safety hazard to Recycling and Convenience Center patrons or employees due to its size or attached equipment.
 - (6) Disposal containers located at these facilities shall be used only for the disposal of Residential Solid Waste. Large loads of Residential Solid Waste (greater than five hundred (500) pounds must be taken directly to the County Transfer Station where applicable fees will be applied.
 - (7) All Residential Solid Waste and Recyclable Materials must be placed wholly inside the appropriate container or stationary compactor unless directed otherwise by a Department representative.
 - (8) Recyclable Materials must be clean (free of food, liquids, dirt, mud, etc.), separated by type, and placed in the appropriate (designated) receptacle.
 - (9) It is the responsibility of all Recycling and Convenience Center users to unload their vehicles and to properly dispose of their Residential Solid Waste and/or Recyclable Materials at the facility.
 - (10) All cardboard deposited at a Recycling and Convenience Center shall be recycled.
- (f) Disposal Site Fees.
- (1) Fee schedules for the disposal of Solid Waste at County Facilities will be established by the County's annual budget, published in the Department's Operational Manual, and posted at the respective facilities.
 - (2) All fee changes shall be implemented by August 1st after adoption of the County's annual budget. A minimum of thirty (30) days shall be given before implementing any fee schedule change if fees are changed at any other time during the County's fiscal year (July 1 to June 30).
 - (3) Nonprofit organizations may request a waiver of fees for construction and demolition debris by submitting a waiver request form to the Director. Waivers will be granted on a case-by-case basis in the best interest of the County. Any waiver denied by the Director may be submitted to the County Administrator for review.

Section 8. PRIVATELY OWNED SOLID WASTE PROCESSING AND RECYCLING FACILITIES

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

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

Section 9. USED AND WASTE TIRES

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

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

Section 10. MISCELLANEOUS PROVISIONS

(a) Solid Waste Containers.

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

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

Section 11. PENALTIES AND FINES

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

Oconee County, South Carolina



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ATTEST:

Katie D. Smith
Clerk to Oconee County Council

Edda Cammick
Chair, Oconee County Council

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

Ordinance 2018-30
Attachment A

CHAPTER 4 - ANIMALS

Sec. 4-1 – Title.

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

Sec. 4-2 – Definitions.

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

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

Animal means every nonhuman species of animal.

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

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

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

Dangerous animal means an animal:

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

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

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

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

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

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

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

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

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

Sec. 4-3. – Authority.

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

Sec. 4-4. – Restraint.

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

Sec. 4-5. – Biting or attacking persons.

All animal bites or injuries to a human being shall be reported by medical personnel with knowledge of the bite or injury to the South Carolina Department of Health and Environmental Control. Likewise, animal control officers and Humane Society personnel shall promptly notify the South Carolina Department of Health and Environmental Control of animal bites or injuries to a human being and shall cooperate with the impounding and quarantining of such animal, as appropriate.

Sec. 4-6. – Impoundment.

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

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

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

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

Sec. 4-7. – Dangerous Animals.

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

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

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

Sec. 4-8. – Potentially dangerous animals.

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

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

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

Sec. 4-9. – Animal Care.

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

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

Sec. 4-10. – Sterilization.

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

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

Sec. 4-11. – Enforcement.

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

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

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

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

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

Ordinance 2018-30
Attachment B

CHAPTER 4 - ANIMALS

Sec. 4-1 – Title.

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

Sec. 4-2 – Definitions.

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

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

Animal means every nonhuman species of animal.

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

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

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

Dangerous animal means an animal:

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

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

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

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

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

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

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

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

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

Sec. 4-3. – Authority.

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

Sec. 4-4. – Restraint.

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

Sec. 4-5. – Biting or attacking persons.

All animal bites or injuries to a human being shall be reported by medical personnel with knowledge of the bite or injury to the South Carolina Department of Health and Environmental Control. Likewise, animal control officers and Humane Society personnel shall promptly notify the South Carolina Department of Health and Environmental Control of animal bites or injuries to a human being and shall cooperate with the impounding and quarantining of such animal, as appropriate.

Sec. 4-6. – Impoundment.

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

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

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

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

Sec. 4-7. – Dangerous Animals.

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

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

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

Sec. 4-8. – Potentially dangerous animals.

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

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

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

Sec. 4-9. – Animal Care.

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

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

Sec. 4-10. – Sterilization.

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

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

Sec. 4-11. – Enforcement.

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

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

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

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

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

Oconee County Council

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

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

E-mail:
ksmith@oconeesc.com

Edda Cammick
District I

Wayne McCall
District II

Paul Cain
District III

Julian Davis
District IV

J. Glenn Hart
District V



The Oconee County Council will meet in 2018 on the first and the third Tuesday of each month with the following exceptions:

- April meetings will be held on the second and fourth Tuesday;
- July & August which will be **only** on the third Tuesday of each of the two months;
- September's Council meetings will be held on the second and third Tuesday of the month.
- The Auditor's millage presentation will be held on September 4th at 6:00 p.m.

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 at 9 a.m. on Friday, March 2, 2018 in Council Chambers to establish short and long term goals.

Council will also meet on January 8, 2019 at 6:00 p.m. in Council Chambers at which point they will establish their 2019 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 2018 on the following dates/times in Council Chambers, 415 South Pine Street, Walhalla, South Carolina unless otherwise advertised.

The Law Enforcement, Public Safety, Health & Welfare Committee at 5:30 p.m. on the following dates: April 10 [5pm prior to Council meeting], July 10 and October 9, 2018.

The Transportation Committee at 5:30 p.m. on the following dates: April 24 [5pm prior to Council meeting], July 10 and October 9, 2018.

The Real Estate, Facilities & Land Management Committee at 5:30 p.m. on the following dates: May 8, August 14 and November 13, 2018.

The Budget, Finance & Administration Committee at 5:30 p.m. on the following dates: April 17, May 8, May 29, August 14 and November 13, 2018.

The Planning & Economic Development Committee at 5:00 p.m. prior to the Council meeting on the following dates: February 27 [5:30 p.m.], June 5, September 4 and December 4, 2018.

TRANSPORTATION

AUTOS FOR SALE



2010 Cadillac SRX
Luxury, 45K miles, \$16,500.
Pete's Auto
402 S. Oak St. • Seneca
Call 882-1467



2010 Toyota Corolla
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93 Buick Roadmaster
115K miles
"Reduced... \$5,500"
Pete's Auto
402 Oak Street • Seneca
Call 882-1467

FIND IT IN THE CLASSIFIEDS!

LEGAL NOTICES

LEGALS

NOTICE
VALLEY SERVICES, INC., located at 926 Shiloh Rd. Seneca, SC, will hold an auction on **MONDAY MARCH 12, 2018 AT 2PM** to auction off the following items:

- 2013 Black Solana Moped
LBYTCAFFIEY602517
- 2017 Grey Sports 50 Moped
LT4ZINAA3HZ000394
- 2017 Black Sports 50 Moped
LT4ZINAA3HZ000692
- 2013 Red VIP Moped
L9NTEKLD2E1000701
- 2016 Black Solana Moped
LYDY3TBB3G1500431
- 2013 Black/Grey VIP
Bahama Moped
LBYTCAFX4DM500174

THE OCONEE COUNTY COUNCIL will meet in 2018 on the first and the third Tuesday of each month with the following exceptions:
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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 at 9 a.m. on Friday, March 2, 2018 in Council Chambers to establish short and long term goals. Council will also meet on January 8, 2019 at 6:00 p.m. in Council Chambers at which

LEGAL NOTICES

LEGALS

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PUBLISHER'S AFFIDAVIT

**STATE OF SOUTH CAROLINA
COUNTY OF OCONEE**

OCONEE COUNTY COUNCIL


IN RE: OCONEE COUNTY COUNCIL MEETING SCHEDULE & EXCEPTIONS FOR 2018

BEFORE ME the undersigned, a Notary Public for the State and County above named, This day personally came before me, Hal Welch, who being first duly sworn according to law, says that he is the General Manager of **THE JOURNAL**, a newspaper published Tuesday through Saturday in Seneca, SC and distributed in Oconee County, Pickens County and the Pendleton area of Anderson County and the notice (of which the annexed is a true copy) was inserted in said papers on 02/21/2018 and the rate charged therefore is not in excess of the regular rates charged private individuals for similar insertions.

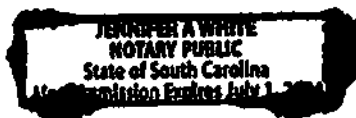


Hal Welch
General Manager

Subscribed and sworn to before me this
02/21/2018



Jennifer A. White
Notary Public
State of South Carolina
My Commission Expires July 1, 2024



Katie Smith

From: Katie Smith
Sent: Friday, September 21, 2018 10:11 AM
To: 'classadmgr@upstatetoday.com'
Cc: Katie Smith
Subject: Legal Ad Request

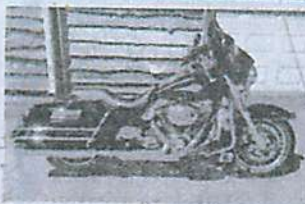
Please run in the next edition of your publication. Please respond to the email to confirm receipt.

“A special meeting of the Oconee County Council will be held at 5:30 p.m., Tuesday, October 9, 2018 concurrently with the Oconee County Council’s Law Enforcement, Public Safety, Health and Welfare Committee (the “Committee”) meeting, in that member(s) of Council who are not on the Committee plan to attend and participate in the Committee’s regularly scheduled meeting.”

Please confirm receipt of this email by way of reply.

Best Regards,
Katie

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



2005 Ford T-Bird
78K miles.. \$15,000.
Pete's Auto
402 S. Oak St.
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New Addition! 2010 HD
Electra Glide Classic,
64,810 miles, Black! \$8,600.
Tourpac not shown but included!
New Horizons
Motorcycles, LLC
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AUTOS FOR SALE



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2007 Chevy Equinox
Leather alloy wheels, Sun roof,
EXCELLENT condition, fold
down rear seats, hatchback,
clear title. 106k miles.
Asking \$6,500
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Dunwoody Ave, Central.....2BR/1BA Townhouse, Water Incl.	\$550
Creekside, Clemson3BR/1BA Apt, W/D.....	\$650
Crawford Falls, Clemson.....4BR/4BA Utilities Incl.....	\$2,000
Old Central Road, Clemson3BR/1BA Apartment, W&D Incl.....	\$625
Bellview Way, Seneca3BR/2.5BA Townhouse.....	\$850

LEGALS

NOTICE
 A special meeting of the Oconee County Council will be held at 5:30 p.m., Tuesday, October 9, 2018 concurrently with the Oconee County Council's Law Enforcement, Public Safety, Health and Welfare Committee (the "Committee") meeting, in that member(s) of Council who are not on the Committee plan to attend and participate in the Committee's regularly scheduled meeting.

NOTICE
CLERK OF COURT'S SALE
CASE NO. 2018-CP-37-00154
 BY VIRTUE of a decree heretofore granted in the case of Branch Banking and Trust Company against Larissa E. Glover, Janeen Louise



ASSEMBLY -

MACHINING
 11:30PM), 3F

MATERIALS
 11:30PM), 3F

MAINTENANCE
 SEE ONLINE POST

ASSEMBLY
 START RATE
 TOP RATE

MATERIALS
 START RATE
 TOP RATE

MACHINING
 START RATE
 TOP RATE
 PLUS UP TO \$0.70/

PUBLISHER'S AFFIDAVIT

**STATE OF SOUTH CAROLINA
COUNTY OF OCONEE**

OCONEE COUNTY COUNCIL

IN RE: NOTICE - SPECIAL MEETING FOR THE OCONEE COUNTY COUNCIL ON OCTOBER 9, 2018 AT 5:30PM

BEFORE ME the undersigned, a Notary Public for the State and County above named, This day personally came before me, Hal Welch, who being first duly sworn according to law, says that he is the General Manager of **THE JOURNAL**, a newspaper published Tuesday through Saturday in Seneca, SC and distributed in Oconee County, Pickens County and the Pendleton area of Anderson County and the notice (of which the annexed is a true copy) was inserted in said papers on **09/22/2018** and the rate charged therefore is not in excess of the regular rates charged private individuals for similar insertions.



Hal Welch
General Manager

Subscribed and sworn to before me this
09/22/2018



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

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

**Oconee County
Solid Waste & Recycling**



Presented by:

Swain Still

Oconee County Solid Waste Mission

- The mission of the Oconee County Solid Waste Department is to be a leader in solid waste management by developing and implementing programs and services, which protect natural resources, reduce waste, facilitate recycling, and minimize impacts to the environment. The Oconee County Solid Waste Department proudly serves the citizens, industries, businesses, and municipalities within the boundaries of our beautiful county, and supports the overall mission of Oconee County to protect and enhance our communities, heritage, and environment.

Facilities & Operations

- **11 Manned Recycle Centers**
- **Active Class 2 – Construction & Demolition Landfill (C&D)**
- **Transfer Station**
- **Material Recovery Facility (MRF)**
- **Asphalt/Concrete Recycling Facility**
- **Mulching Facility**
- **Maintain Two Closed Class 3-Municipal Solid Waste (MSW) Sites – Seneca & Five Forks Landfills**
- **Schools and Commercial Recycling Program**

Prior to 1991

- Dirty
- Unsafe
- Wild Animals
- No Recycling
- Very few regulations



Why Were Recycle Centers Constructed?

- Located so 80 % of population would drive 5 miles or less
 - Mountains and Lakes prevented 100 %.
- Offer recycling
- Safer
- Helped prevent open dumping and unsanitary conditions due to over filling of the dumpsters.
- Cleaner

Stop treating us like garbage.



A CLEAN Area
is a
SAFE Area

Pick up - Clean up



Recycle Centers

- 11 Recycle Centers
- Averages 1.8 Million cars per year.
- Approx. 16,000 tons of MSW and 3,000 tons of recyclables per year.
- Residents and visitors can dispose at no extra charge.



Materials Accepted At Recycle Centers?

Disposal

- House Hold Garbage
- Mattresses (At Strawberry Farm Center ONLY)

RECYCLED

- Cardboard
- Plastic
- Aluminum Cans
- Paper Products
- Glass
- Scrap Metal
- Motor and Cooking Oil
- Batteries
- Glasses and Hearing Aids



Issues at Centers Addressed in Ordinance

- **Unloading trash from vehicles. (Sect. 7.e.9)**
 - Needle sticks, theft and vehicular damage liability, injury.
- **Residents using county equipment and supplies. (Sect. 7.a.5)**
- **Residents not exiting prior to closing times. (Sect. 7.a.10)**

Issues at Centers Addressed in Ordinance

- **Businesses using the centers versus transfer station. (Sect. 7.e.3)**
- **Large vehicles with trailers causing safety concerns to staff and other patrons. (Sect. 7.e.5)**
- **Residents bringing large loads from cleanouts into centers and causing traffic jams and long wait lines. (Sect. 7.e.6)**

Landfill and Transfer Station History

- **1974-1991** - Municipal Solid Waste and Construction Waste were disposed of in Class 3 landfills located on the Seneca and Five Forks sites with no diversion of waste or separation.
- **1991** - First Recycle Centers opened and mulching operation started.
- **1995** - Five Forks landfill closed.
- **1996** - Material Recovery Facility (MRF) opened.

Landfill and Transfer Station History cont'd

- **1996** - Solid Waste Commission and County Council decided to build transfer station and dispose with Waste Management, close the Seneca Class 3 landfill rather than expanding and meeting new requirements, and permit and construct a Class 2 landfill.
- **1998** - Transfer Station Opens, Class 3 closes, and Class 2 C&D opens.
- **2002** - New Permit issued for Class 2 expansion.
- **2006/2007** - Class 2 expansion constructed.

Landfill and Transfer Station History cont'd

- **2008** - Started filling new expansion area and purchased larger wood grinder to increase capabilities from 6in diameter to 24 inch.
- **2012** - Started asphalt recycling from work done by County Road Dept.
- **2014** - County Council states goal to reach 85% recycling rate.
- **2015** - Started separating concrete, block, and brick along with asphalt at landfill with no fees for contractors.

Landfill and Transfer Station History cont'd

- **2017** - Class 2 landfill issues notice to residents and commercial customers to separate cardboard and metal from loads. 19.67 tons of cardboard and metal was removed from landfill voluntarily. However, many residents and contractors would dump with half of their load still mixed with recyclables.
- **2018** - Landfill survey shows only 7 years of life left in landfill. Ordinance passed with penalties for customers who did not separate recyclables from loads, residents to start paying, but all items recycled would be at no charge.

Class 2 – C&D Landfill

- **FY18 - disposed over 23,000 tons of debris which did not include the following**
 - **Recycled 20 tons of cardboard and metal**
 - **Mulched 9,916 tons of brush**
 - **Recycled 3,830 tons of fill dirt**
 - **Recycled 5,904 tons of asphalt, brick, block and concrete**
- **Waste comes from businesses, residents, and out of county.**



Class 2 – C&D Landfill

- **Landfill Dynamics:**
 - **Cost to CONSTRUCT** is covered by taxes and is a calculated figure and based on low bids.
 - **Cost to FILL** is determined by type of waste and how waste is compacted in the airspace and the length of life by how much is kept out.
 - For example: Say it takes 20 acre-ft to dispose of 25,000 tons of compacted material and the landfill only has 100 acre-ft of space. The landfill is expected to receive at least 25,000 tons of material per year and therefore has an expected life of 5 years. Each year of life has a value of \$750,000.
 - If the landfill can have 5,000 tons of material separated out by recycling or diversion and only 20,000 tons of material landfilled, the life of the landfill will be increased by one year, make an additional \$750,000 and put off constructing a new landfill by one year.

Issues addressed in ordinance

- **Patrons not exiting prior to closing times. (Sect.7.a.10)**
- **Patrons leaving unacceptable waste. (Sect. 7.a.9)**
- **Patrons disposing of contaminated loads. (Sect.7.b.3)**
- **Patrons disposing of mixed loads. (Sect.7.b.5)**
- **Business's passing waste off as from residence & all customers pay tipping fee . (Sect. 7.b.5)**
- **All recyclables deposited for free. (Sect.7.b.6)**

How will fees effect residents and commercial customers at landfill?

Number of Customers	ITEM	Total Tonnage	Average Tonnage	Tonnage Price	Price per Customer
24.00	Land Clearing Debris Paying	145.33	6.06	30.00	181.66
166.00	Land Clearing Debris Non Paying	583.00	3.51	30.00	105.36
7729.00	C&D Paying	16274.39	2.11	30.00	63.17
16556.00	C&D Non Paying	5646.76	0.34	30.00	10.23
62.00	Furniture	26.56	0.43	30.00	12.85
2903.00	Furniture Non Paying	442.70	0.15	30.00	4.57
626.00	Concrete/Brick/Asphalt/Fill Dirt	9734.60	15.55	0.00	0.00
945.00	Yard Waste (currently paying)	813.59	0.86	0.00	0.00
16498.00	Yard Waste Non Paying	5591.84	0.34	0.00	0.00

Transfer Station

- Transferred over 43,000 tons of waste in FY18.
- Costs Oconee County Taxpayers: Approx. \$1.4 Million
- Waste is hauled from Seneca to Homer, GA.



Issues addressed in ordinance

- Fees assessed on all waste disposed.
(Sect.7.c.2)
- All recyclables accepted at no charge.
(Sect.7.c.2)
- Fees assessed on mixed loads will be doubled. (Sect.7.c.3)
- Patrons may not be allowed to dispose of waste if it can not be properly processed.
(Sect.7.c.3)

How will fees effect residents and commercial customers at transfer station?

Number of Customers	ITEM	Total Tonnage	Average Tonnage	Tonnage Price	Price per Customer
1603.00	Commercial Paying	10843.09	6.76	48.00	324.68
740.00	Commercial-Cities-Non-Paying	5102.84	6.90	0.00	0.00
1137.00	Industrial Paying	2942.75	2.59	48.00	124.23
2584.00	Residential Paying	2013.06	0.78	48.00	37.39
331.00	Residential Non-Paying	155.52	0.47	48.00	22.55
1050	Residential - Cities - NonPaying	6667.56	6.35	0.00	0.00
2133	Residential- County-Nonpaying	15585.3	7.31	0.00	0.00

Why does Solid Waste Department accept recyclables at no charge?

- Reduces cost of disposal at Transfer Station.
- Incentivizes separation of material at landfill.
 - Solid Waste Department operates a landfill to stay in compliance with state law that requires counties to provide avenues for waste disposal.
 - Oconee County wants the landfill to have as much life as possible to keep costs and taxes low.
- Increases revenue due to sale of recyclables.

Tires

- Where are they coming from?
 - When buying new tires, a disposal fee is paid and tires can be left with vendor!
 - FY18, 180 tons of tires were disposed of at the recycle centers.
 - These tires may or may not have documentation.
 - Documentation means a receipt showing state fee for disposal.
- Why move tires from centers to MRF?
 - Better control on who is dropping off tires.
 - Know where tires are coming from.
 - Tires that have documentation will be accepted at no charge.
 - Tire program is currently a break-even program due to State Reimbursement and DHEC Grants.

Tires

- Amnesty Program: The previous tire waiver program was advertised from July 1, 2016 – December 21, 2016; however we did extend it and the last load was brought in 2/10/17.
- Had 12 participants with an estimated 3,500 tires brought in. One resident brought in around 2,400 tires from a former business.

Tires

- Potential to have another tire amnesty program for residents with small amounts of tires. Large amounts of tires (100 or more) need to be referred to DHEC so the county would get reimbursed for disposal.
- Tire Shredder – Staff have evaluated
 - Lengthy DHEC permit
 - No grant reimbursement from state
 - Requires large amount (70-80 tons) of tires on hand
 - Risk of fire in stockpile and in final product
 - Labor intensive, high power consumption, high maintenance costs
 - Currently, few avenues to market the product that are cost effective

Recyclables

	FY 14/15	FY 14/15	FY 14/15	FY 15/16	FY 15/16	FY 15/16	FY 16/17	FY 16/17	FY 16/17	FY 17/18	FY 17/18	FY 17/18
	TONS	REVENUE	AVG PRICE / TON	TONS	REVENUE	AVG PRICE / TON	TONS	REVENUE	AVG PRICE / TON	TONS	REVENUE	AVG PRICE / TON
ALUMINUM CANS	23.8	\$33,316	\$1,400	18.45	\$22,463	\$1,218	20.46	\$26,592	\$1,300	30.04	\$38,376	\$1,278
ANTIFREEZE				3.93	\$0	\$0	2.95	\$0	\$0	3.12	\$0	\$0
BATTERIES - Lead Acid	6.95	\$4,170	\$600	12.53	\$7,518	\$600	17.08	\$9,122	\$534	21.68	\$11,391	\$525
BATTERIES -Rechargeable	0.78	\$0	\$0	0	\$0	\$0	0	\$0	\$0	0	\$0	\$0
CELL PHONES - # M/YR	N/A	\$153	N/A	0.06	\$93	N/A	0.17	\$166	N/A	0.08	\$74	N/A
CARDBOARD	566.83	\$54,111	\$95	723.68	\$74,000	\$102	774.36	\$112,055	\$145	804.8	\$118,374	\$147
CO-MINGLED PLASTIC	77.84	\$11,211	\$144	115.86	\$12,630	\$109	146.9	\$11,118	\$76	138.29	\$7,362	\$53
COOKING OIL	1.3	\$110	\$85	0.34	\$28	\$82	0.33	\$26	\$80	0.25	\$22	\$88
GLASS - BROWN	72.16	\$1,227	\$17	96.97	\$1,648	\$17	131.57	\$2,237	\$17	72.4	\$1,231	\$17
GLASS - CLEAR	127.39	\$2,238	\$18	141	\$2,397	\$17	128.91	\$2,198	\$17	96.47	\$1,640	\$17
GLASS - GREEN	124.27	\$249	\$2	151.75	\$304	\$2	67.62	\$135	\$2	157.22	\$315	\$2
GLASS - MIXED COLOR				28.02	\$56	\$2	102.9	\$206	\$2	114.98	\$229	\$2
PRINTER CARTRIDGES	N/A	\$0	N/A	0.77	\$33	N/A	0.19	\$33	N/A		\$31	N/A
MIXED PAPER	573.34	\$31,454	\$55	490.32	\$27,005	\$55	531.25	\$45,845	\$86	671.98	\$34,217	\$51
NEWSPAPER	154.33	\$9,772	\$63	210.61	\$14,316	\$68	120.37	\$11,544	\$96	98.92	\$6,927	\$70
BOOKS							30.77	\$308	\$10	8.47	\$74	\$9
PALLETS				31.75	\$1,600	\$50	35.2	\$2,000	\$57	78.17	\$4,300	\$55
USED OIL @ 7 lbs / gal	55	\$12,138	\$221	62.31	\$675	\$11	57.45	\$0	\$0	63.12	\$0	\$0
SCRAP METAL -(2,240 lbs GT)	339.44	\$51,808	\$153	773.32	\$64,000	\$83	1214.71	\$112,370	\$93	661.49	\$54,112	\$82
WOOD WASTE (LOGS)				27.71	\$431	\$16	0	\$0	\$0	0	\$0	\$0
TOTALS	2,123.4	\$211,957	\$100	2,889.4	\$229,197	\$79	3,383.2	\$335,955	\$99	3,021.5	\$278,675	\$92

Capital Equipment Replacement Plan Proposal



2018-2043

Fire and Emergency Management Vehicles - Replacement by Station

F1 - Oakway	F2 - Salem	F3 - Corinth-Shiloh	F4 - Mtn. Rest	F5 - Walhalla	F6 - Westminster
E1A 22-23, 42-43 E1 37-38 T1 26-27 Serv1 23-24	E2 18-19, 38-39 E2a 22-23, 42-43 T2 26-27	E3 18-19, 38-39 E3a 22-23, 42-43	E4 20-21, 40-41 E44 29-30 T4 26-27 Serv46 25-26	E53 18-19, 38-39 E51 22-23, 42-43 P5 28-29	E63 (tanker) 38-39 E64 22-23, 42-43
F7 - Seneca	F8 - Fair Play	F9 - Long Creek	F10 - Cleveland	F11 - Keowee-Ebenezer	F12 - Friendship
E7 19-20, 39-40 *1 E7A 22-23, 42-43 *1 BLFD	E8 21-22, 41-42 E81 30-31 T8 26-27 Serv8/R3b 20-21	E91 30-31 T9 36-37 Serv9 26-27	E10 21-22, 41-42 E101 30-31 T10 25-26	E11 19-20, 39-40 E11A 27-28 T11 26-27	E12 32-33 E12-1 20-21, 40-41 T12 26-27 Serv12 22-23
F13 - Crossroads	F14 - Picket Post	F15 - South Union	F16 - South Union	F17 - Keowee	
E13 20-21, 40-41 E131 36-37 T13 41-42	E14 23-24 E141 38-39 T14 25-26	E15 22-23, 42-43 E151 31-32 T15 26-27	E16 22-23, 42-43 E161 37-38 T16 26-27	E17 22-23, 42-43 E171 27-28	
Staff		F21 - Bountyland	Other - Support	F23	F24 - Holly Springs
Sq211 22-23 *1 Sq212 22-23 *1 Sq213 22-23 *1 Sq214 22-23 *1 TrainingOff 21-22 *2 SchoolInstr 21-22 *2 Batt1 20-21 *3 EM1 22-23 *4 EM3 22-23 *4	*1 Also 27-28, 32-33, 37-38, 42-43 *2 Also 31-32, 41-42 *3 Also 26-27 32-33, 38-39 *4 Also 32-33, 42-43	L21 41-42	Fit1 38-39 HazMat1/Eagle1 32-33 Tow/Fuel 40-41 Air Packs 25-26,40-41	E231 18-19, 38-39	E24 20-21, 40-41 T24 26-27 B24 19-20 *1 *1 One-time only

Rescue Vehicles - Replacement by Station

R1 - Seneca	R2 - Salem	R3 - Oakway	R4 - Walhalla	R5 - Westminster	R6 - Mtn. Rest
R1 27-28 Rescue1-2 34-35	R2a 28-29 (aka R2c) Rescue2-1 34-35	R3c 36-37 R3d 28-29 See F8 also	Rescue4E 26-27 Rescue4-1 33-34	R54 27-28 Rescue5-1 33-34	Rescue61 31-32 Rescue6 36-37
R7 - Dive Team	R8 - Spec. Rescue	R22 - Keowee Key			
Dive71 25-26	Rescue81 30-31 SR3 19-20	R22 25-26			

Oconee County Emergency Services

Emergency Management - Fire - Rescue - - - - 20/25 Year Capital Replacement Plan

New 6/14/18, Rev 7/5, 10/8/18 Final-E2

Year	Asset	Estimated Vehicle Cost			Annual Totals	Model Year	*1 K Miles	Repl Cycle	\$ Changes	CVK, CJH Notes
		Large	Small	Municipal						
FY 17-18	Engine 141	340,000				1997	36	20		Spec in process aka E6
	Approved last year, not incl in 25 year tots									Amount was rolled over for quantity purchase in FY18-19.
					340,000					
The above items are funded, but still in process. They have been <u>excluded</u> from the full 25 year cycle totals at the bottom.										
FY 18-19										
	Engine 3 From 17-18	340,000				1997	23	20		aka E3/E31
	Engine 53 From 17-18	340,000			Substation	1996	33	20		aka Walhalla 5
	Engine 231	340,000				1992	19	20		Village Creek substation
					1,020,000					
FY 19-20	Engine 2	340,000			Substation	1997	22	20		aka S2/E22
	Engine 7 (BLFD)	340,000			Substation	1999	16	20		Seneca engine will be placed at BLFD
	Engine 11	340,000				1999	18	20		
	SR 3		75,000			1997	25	25		Needs earlier replacement
	Brush 24		50,000			1994	165	n/a		One-time only for new stn
					1,145,000					
FY 20-21	Engine 4	340,000				2000	13	20		
	Engine 12-1	340,000				2000	18	20		aka E121
	Engine 13	340,000				2000	17	20		
	Engine 24	340,000				2000	13	20		Was E9 - relocated, renamed
	Batt 1		39,000			2014	133	6		
	Serv 8/R3b		100,000			2000	139	25		Needs earlier replacement
					1,499,000					
FY 21-22	Engine 8	340,000				2,001	19	20		
	Engine 10	340,000				2001	19	20		
	Training Officer		39,000			2002	127	10		Crown Vic type vehicle
	School Instructor		39,000			2011	194	10		Crown Vic type vehicle
					758,000					
FY 22-23	Engine 1A	340,000				2002	19	20		
	Engine 15	340,000				2002	12	20		
	Engine 16	340,000				2002	21	20		aka E16b
	Engine 17	340,000				2002	32	20		
	Engine 3a	340,000				2002	23	20		aka E3a/E33
	Engine 2a			340,000	Station 2	2002	33	20	340,000	
	Engine 51			340,000	Station 5	2002	34	20	340,000	aka E5a/E51
	Engine 64			340,000	Station 6	2002	52	20	340,000	aka E6a
	Engine 7a			340,000	Station 7	2002	31	20	340,000	

Oconee County Emergency Services

Emergency Management - Fire - Rescue - - - - 20/25 Year Capital Replacement Plan

New 6/14/18, Rev 7/5, 10/8/18 Final-E2

Year	Asset	Estimated Vehicle Cost			Annual Totals	Model Year	*1 K Miles	Repl Cycle	\$ Changes	CVK, CJH Notes
		Large	Small	Municipal						
	Sq 211, Sq 212		78,000			2017	-	5	-42,000	Reduced from 60k to 39k, ea
	Sq 213, Sq 214		78,000			2008-09	116	5		
	EM 1		39,000			2012	113	10		
	EM 3		39,000			2012	102	10		
	Serv 12		100,000			1997	26	25		
					3,394,000					
FY 23-24	Engine 14	340,000				2003	22	20		
	Serv 1		100,000			1998	20	25		
					440,000					
FY 24-25									-39,000	EM 2 removed
					0					
FY 25-26	Tanker 10	250,000				2000	10	25		
	Tanker 14	250,000				2000	13	25		
	R22		39,000			2005	44	20		
	Air packs (330@5500)	1,815,000				later	n/a	15	1,815,000	Added air packs to capital replacement
	Dive 71		39,000			2000	192	25		
	Serv 46		100,000			2000	48	25		aka Service 4
					2,493,000				-379,000	Rmvd Rescue22 (39k,dup); E2a (340k,dup)
FY 26-27	Tanker 1	250,000				2001	11	25		
	Tanker 2	250,000				2001	13	25		
	Tanker 4	250,000				2001	7	25		
	Tanker 8	250,000				2001	10	25		
	Tanker 11	250,000				2001	12	25		
	Tanker 12	250,000				2001	9	25		
	Tanker 15	250,000				2001	9	25		
	Tanker 16	250,000				2001	12	25		
	Tanker 24	250,000				2001	6	25		
	Batt 1		39,000			2020	-	6	39,000	Added to cycle
	Serv 9		100,000			2001	21	25		
	Rescue 4E		39,000			2006	88	20		
					2,428,000					
FY 27-28	E11a	340,000				2007	11	20		
	Engine 171	340,000				2007	39	20		aka E17a
	Sq 211, 212, 213, 214		156,000			2022	-	5	156,000	Added to cycle
	R1		39,000			2007	68	20		aka R01/ER11
	R54		39,000			2007	55	20		aka ER5d

Oconee County Emergency Services

Emergency Management - Fire - Rescue - - - - 20/25 Year Capital Replacement Plan

New 6/14/18, Rev 7/5, 10/8/18 Final-E2

Year	Asset	Estimated Vehicle Cost			Annual Totals	Model Year	*1 K Miles	Repl Cycle	\$ Changes	CVK, CJH Notes
		Large	Small	Municipal						
					914,000				-39,000	Removed ER5d (duplicates R54)
FY 28-29	Platform 5	1,000,000			Station 5	2003	15	25		
	R2a		39,000			2008	32	20		aka Res2a/ER2c/R2c
	R3d		39,000			2008	62	20		
					1,078,000					
FY 29-30	Engine 44	340,000				2009	10	20		
					340,000					
FY 30-31	Engine 81	340,000				2010	11	20		
	Engine 91	340,000				2010	6	20		
	Engine 101	340,000				2010	5	20		
	Rescue 81		100,000			2005	185	25		aka SR81
					1,120,000				-78,000	Removed EM6, Sqd24 (39k ea)
FY 31-32	Engine 151	340,000				2011	9	20		
	Rescue 61		39,000			2011	12	20	-39,000	Removed Sq 12 (aka Truck 12)
	Training Officer		39,000			2021	-	10		Crown Vic type vehicle
	School Instructor		39,000			2021	-	10		Crown Vic type vehicle
					457,000				-39,000	Removed EM7
FY 32-33	Engine 12	340,000				2012	7	20		aka E12
	HazMat 1 - Eagle 1	350,000				2007	11	25		
	Sq 211, 212, 213, 214		156,000			2027	-	5	156,000	Added to cycle
	Batt 1		39,000			2026	-	6	39,000	Added to cycle
	EM 1		39,000			2022	-	10	39,000	Added to cycle
	EM 3		39,000			2022	-	10	39,000	Added to cycle
					963,000					
FY 33-34	Rescue 4-1		39,000			2013	44	20		aka R041/ER41
	Rescue 5-1		39,000			2013	32	20		aka R051
					78,000					
FY 34-35	Rescue 1-2		39,000			2014	12	20		aka R012/ER12
	Rescue 2-1		39,000			2014	5	20		aka R021/ER21
					78,000				-39,000	Removed Sq 31
FY 35-36										
					0				-39,000	Removed Sq 17
FY 36-37	Tanker 9	250,000				2011	7	25		
	Engine 131	340,000				2016	2	20		F550 mini
	R3c		39,000			2011		25	39,000	Added to cycle
	Rescue 6		39,000			2016	6	20		aka Rescue62/R62

Oconee County Emergency Services

Emergency Management - Fire - Rescue - - - - 20/25 Year Capital Replacement Plan										New 6/14/18, Rev 7/5, 10/8/18 Final-E2
Year	Asset	Estimated Vehicle Cost			Annual Totals	Model Year	*1 K Miles	Repl Cycle	\$ Changes	CVK, CJH Notes
		Large	Small	Municipal						
					668,000				-39,000	Removed Sq 15
FY 37-38	Engine 1	340,000				2017	3	20		
	Engine 161	340,000				2017	4	20	340,000	Added to cycle aka E16a
	Sq 211, 212, 213, 214		156,000			2032	-	5	156,000	Added to cycle
					836,000					

Oconee County Emergency Services

Emergency Management - Fire - Rescue - - - - 20/25 Year Capital Replacement Plan

New 6/14/18, Rev 7/5, 10/8/18 Final-E2

Year	Asset	Estimated Vehicle Cost			Annual Totals	Model Year	*1 K Miles	Repl Cycle	\$ Changes	CVK, CJH Notes
		Large	Small	Municipal						
FY 38-39										
	Engine 3	340,000				2018	-	20	340,000	Added to cycle
	Engine 141	340,000				2018	-	20	340,000	Added to cycle
	Engine 53	340,000			Substation	2018	-	20	340,000	Added to cycle
	Engine 63 (tanker)	250,000				2013	9	25	-90,000	Tanker price (not an eng)
	Engine 231	340,000				2018	-	20		Village Creek substation
	FIT 1		39,000			2013	86	25		
	Batt 1		39,000			2032	-	6	39,000	Added to cycle
					1,688,000					
FY 39-40	Engine 2	340,000			Substation	2018	-	20		
	Engine 7 (BLFD)	340,000			Substation	2019	-	20		
	Engine 11	340,000				2019	-	20		
					1,020,000					
FY 40-41	Engine 4	340,000				2020	-	20		
	Engine 12-1	340,000				2020	-	20		
	Engine 13	340,000				2020	-	20		
	Engine 24	340,000				2020	-	20		Was E9, renamed
	Air packs	1,815,000				later	n/a	15	1,815,000	
	Tow/Fuel Truck		55,000			2015	9	25		aka Tow21, F550 vehicle
					3,230,000					
FY 41-42	Ladder 21	800,000				2016	6	25		
	Engine 8	340,000				2021	-	20		
	Engine 10	340,000				2021	-	20		
	Tanker 13	250,000				2016	3	25		
	Training Officer		39,000			2031	-	10		Crown Vic type vehicle
	School Instructor		39,000			2031	-	10		Crown Vic type vehicle
					1,808,000					
FY 42-43	Engine 1A	340,000				2022	-	20		
	Engine 15	340,000				2022	-	20	340,000	Added to cycle
	Engine 16	340,000				2022	-	20	340,000	Added to cycle
	Engine 17	340,000				2022	-	20	340,000	Added to cycle
	Engine 3a	340,000				2022	-	20	340,000	Added to cycle aka E3a/E33
	Engine 2a			340,000	Station 2	2022	-	20	340,000	Added to cycle
	Engine 51			340,000	Station 5	2022	-	20	340,000	Added to cycle aka E5a/E51
	Engine 64			340,000	Station 6	2022	-	20	340,000	Added to cycle aka E6a
	Engine 7a			340,000	Station 7	2022	-	20	340,000	Added to cycle
	Sq 211, 212, 213, 214		156,000			2037	-	5	156,000	Added to cycle

Oconee County Emergency Services

Emergency Management - Fire - Rescue - - - - 20/25 Year Capital Replacement Plan

New 6/14/18, Rev 7/5, 10/8/18 Final-E2

Year	Asset	Estimated Vehicle Cost			Annual Totals	Model Year	*1 K Miles	Repl Cycle	\$ Changes	CVK, CJH Notes
		Large	Small	Municipal						
EM 1			39,000		2032	-	10	39,000	Added to cycle	
EM 3			39,000		2032	-	10	39,000	Added to cycle	

Oconee County Emergency Services

Emergency Management - Fire - Rescue - - - - 20/25 Year Capital Replacement Plan

New 6/14/18, Rev 7/5, 10/8/18 Final-E2

Year	Asset	Estimated Vehicle Cost			Annual Totals	Model Year	*1 K Miles	Repl Cycle	\$ Changes	CVK, CJH Notes
		Large	Small	Municipal						
									Time saved or printed	
					3,294,000				10/9/2018 14:41	
20/25 Year Replacement Cycle Totals		25,260,000	2,769,000	2,720,000	30,749,000			9,144,000		

New 25 Year Totals	FY17-18 Schedule Total	22,101,000
Reconciled to	Remove Year 17-18	-496,000
Prior Year Schedule	Net Additions This Year	9,144,000
	FY18-19 Schedule Total	30,749,000

\$ Changes represent cost differences between this schedule and the prior year schedule (FY 17-18)

New total 30,749,000, was 25,759,000:
Del 1 Batt-1 and 2 EM-2 (-39k ea, -117k),
add 4 muni engs (1.36m), air pks (3.63m),
EM1/3 (78k), R3c (39k)

Covering Years	Period Total LSM	Yearly Average	Net Period \$ Change	Period Total Muni Only	Yearly Avg M
18-19 thru 22-23	7,816,000	1,563,200	1,318,000	1,360,000	272,000
23-24 thru 27-28	6,275,000	1,255,000	1,553,000	0	0
28-29 thru 32-33	3,958,000	791,600	117,000	0	0
33-34 thru 37-38	1,660,000	332,000	418,000	0	0
38-39 thru 42-43	11,040,000	2,208,000	5,738,000	1,360,000	272,000
Total 18-19 thru 42-43	30,749,000	1,229,960	9,144,000	2,720,000	108,800
		Avg/Year			Avg/Yr
		25 Years			25 Yrs
		All L/S/M			M only

Major Factors Contributing to Significant Cost Differences Across 5-Year Periods

Replacements for original bulk eng lease
Replacements for orig bulk tanker lease *2
Less need for engines and tankers
Less need for engines and tankers
Replace 18-23 eng & Ladder21 800k *2

*1 - K-Miles as of 7/2018

*2 - Also includes 1.815M for air packs

Notes for Cash Flow Smoothing Schedule

The purpose of the Cash Flow Smoothing Schedule is to show the significant year-to-year swings for annual Capital Replacement costs. In the Truck Schedule, trucks are slotted for replacement according to normal replacement cycles, except for a few planned variances.

The Cash Flow Smoothing Schedule is one example (many are possible) of how a few delays and accelerations of one year, plus the use of smaller leases than in the past, can reduce the year-to-year swings significantly. Because of these smoothings, replacement occurs in different years than in the Truck Schedule itself.

Totals reconciliation

Base Total from Replacement Schedule	30,749	
Interest on Engine Leases (5)	620	16 year lease
Interest on Tanker Leases (8)	592	12 year lease
Less 2 trucks pushed to FY 43-44	-680	
Grand total	31,281	

Leases are calculated at 4%, zero ending value, no advance payments, annual payments; it is believed annual payments are calculated to be made at the end of each year.

Legend for Colors

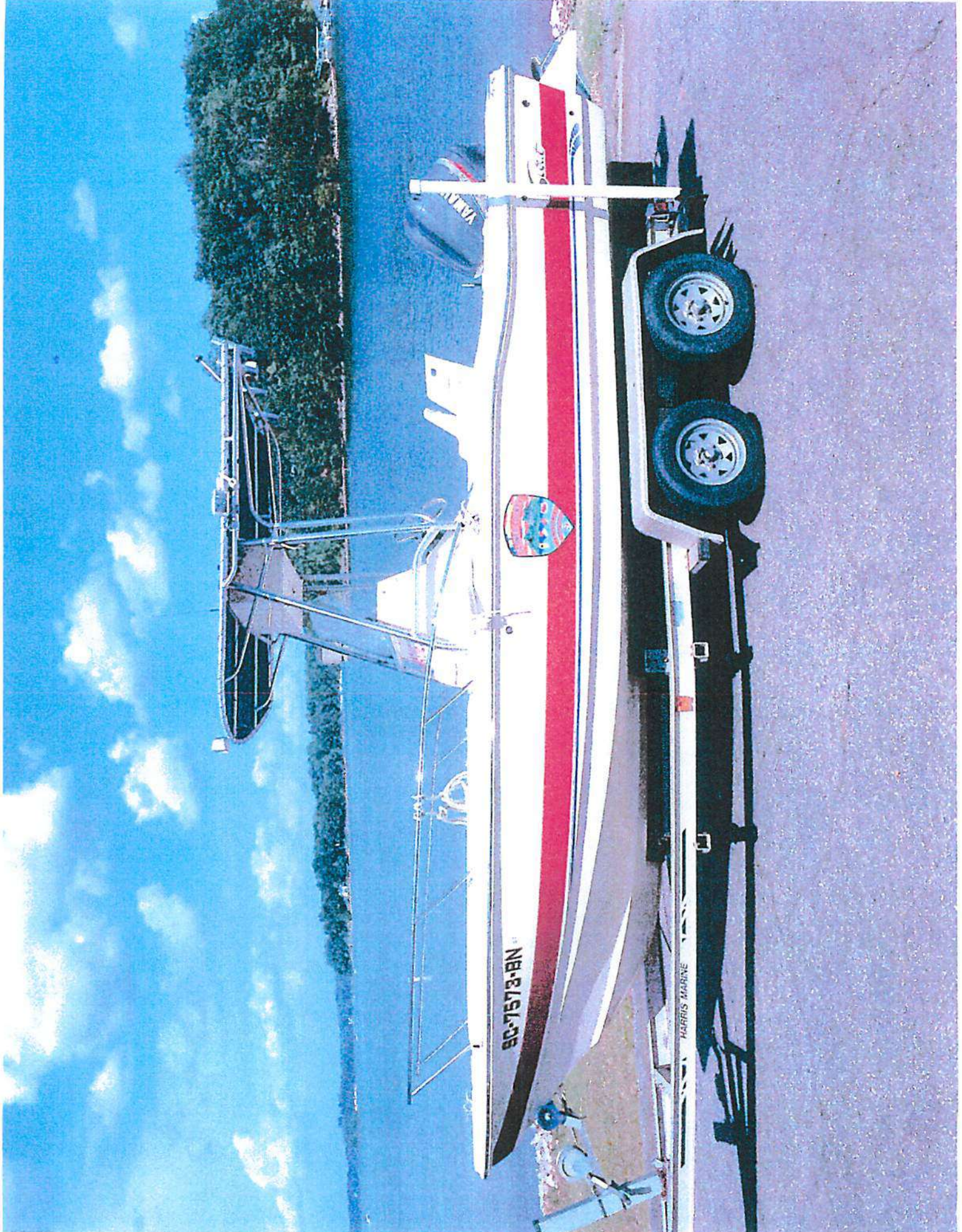
Green	Pulled in 1 year vs replacement cycle to smooth annual cost
Yellow	Pushed out 1 year vs replacement cycle to smooth annual cost
Blue	Partial lease (estimated) used to smooth annual cost
Tan	FY line: FY total is greater than \$1,300k Target is \$1,230 every year

Beginning in FY 38-39, all replacements are slotted in the base replacement years with no attempt to smooth bubbles in any way.

Trucks specified to be pulled in or pushed out are for illustration only. Actual truck movements would be determined from relevant factors, such as vehicle condition, at the latest practical time before acquisition.

Yr Totals	1,020	1,145	1,159	1,098	1,159	1,165	1,145	1,488	1,129	1,185	1,439	1,041	1,141	818	984	779	439	361	1,029	1,197	1,688	1,020	2,890	2,148	2,614	31,281								
Schedule Totals																					31,281	31,281												
																					Check	Tots												
FY	18-19	19-20	20-21	21-22	22-23	23-24	24-25	25-26	26-27	27-28	28-29	29-30	30-31	31-32	32-33	33-34	34-35	35-36	36-37	37-38	38-39	39-40	40-41	41-42	42-43	Total								
Truck																																		
T 1										250																	250							
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E 151														340												340								
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Res 1-2																	39												39					
Res 2-1																	39												39					
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E 161																					340								340					
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FY	18-19	19-20	20-21	21-22	22-23	23-24	24-25	25-26	26-27	27-28	28-29	29-30	30-31	31-32	32-33	33-34	34-35	35-36	36-37	37-38	38-39	39-40	40-41	41-42	42-43	Total								





NC-7673-BN

HARRIS MARINE













THE HUMANE SOCIETY
OF THE UNITED STATES

Passing a Tethering Ordinance in Your Community

Dogs (like people) are social animals, yet many dogs in the U.S. live their entire lives at the end of a chain. Constantly tied-up outside, dogs become lonely, bored, and anxious, and often suffer from lack of proper food and shelter as well. They can also develop aggressive behaviors. The good news is that as communities learn about the negative impact of chaining or tethering dogs, many have begun passing laws against long-term chaining. Local ordinances are a great tool for saving companion animal lives in your community. The HSUS wants to support you in this effort.

The HSUS Advocate Toolkit is a good place to start for anyone interested in strengthening animal laws. Visit [these resources](#) to become a better grassroots advocate, or [contact an HSUS state director](#) to find out how to work together with The HSUS in your state.

The HSUS resources on tethering are designed to arm citizens with resources to enact a local anti-chaining ordinance. Below you will find sample ordinances, quotes from experts, tips for garnering support and more. Thank you for all you do to prevent dogs in your community from suffering a sad, solitary life on a chain.

Why should we care? Understanding the issue

It is critical that you can speak to how the issue impacts all members of the community. You may want to start by researching how many calls animal control receives per year about chained dogs barking, running at large or lacking access to food, water, shelter. These statistics will paint a picture of how chaining affects your area, and will allow you to elaborate on the following key points:

- Anti-chaining ordinances are good for law enforcement.
 - They create clear boundaries and set expectations of pet owners.
- Anti-chaining ordinances are good for animals.
 - Dogs are social animals; constantly tied-up outside, dogs become lonely, bored and anxious, which can lead to increased aggression.
 - Chained dogs are often at risk from extreme weather conditions and can lack food/water/basic care.
 - Dogs can strangle themselves if tether gets tangled or caught.
- Anti-chaining ordinances are good for the community
 - Chained dogs are a public nuisance, notorious for barking.
 - Continuously chained dogs are so lonely and frustrated, their only outlet is to bark. Being chained 24/7, a dog does not receive adequate exercise and the lack of mobility is aggravating, so that pent up energy surfaces with barking.
 - The Centers for Disease Control found in a study that chained dogs are 2.8 times more likely to bite than non-chained dogs and that number increases to 5.4 times more likely with children under the age of 12. Chained dogs often become very defensive of their territory and protect their small area.

Who are your allies?

A diverse coalition of advocates will show your elected officials that a significant portion of the community supports your efforts. We strongly recommend a group approach to ensure that the viewpoints of all stakeholders are heard. Examples of people who you'll want involved in your project at some point (and who you may call upon to testify in support of your proposal) include:

- **Law enforcement/animal control/animal services**
 - Figure out who will be enforcing the law, and solicit their input and support. Spend some time with them, potentially through a ride-along or a lunch. Be sure to show support for what they do every day – officers in the field of animal services often have very trying jobs, so a little appreciation goes a long way.
- Shelters, rescue groups or other animal welfare organizations
- Veterinary professionals
- Fire departments
- The general public, parents, community associations concerned about public safety
- Social work associations and other people active in community safety issues
- Utility companies, realtors and other workers who often encounter dogs in yards
- Animal advocates in the community

What kind of ordinance is right?

There is no one-size-fits-all tethering ordinance. There is great variety between tethering ordinances across the country, so it is important that your proposed legislation is a good fit for your community. Working with the aforementioned allies will help navigate what is right for your community. Some options:

- **Outright Bans – No Unattended Tethering Allowed**

Total bans are straightforward, making enforcement easier and offering a clear incentive for outreach initiatives. But because this is such a stringent regulation, there's more likely to be strong opposition.
- **Time Restrictions or Limits**

Time limits can set a certain amount of consecutive hours or time within a 24-hour period, while time restrictions ban tethering during certain hours of the day. Enforcement can be tricky with time limits because enforcement officers rarely have blocks of time available to verify that a dog has been tied beyond a time limit. However, by forbidding chaining during certain hours of the day or night, violations of the ordinances are immediately clear. That said, if your language is comprehensive, including elements that are very specific and enforceable, it can be beneficial to include a time limit (without certain hours of the day or night) because often laws will change behavior.
- **Restrictions for Extreme Weather**

Some communities restrict tethering during extreme weather and/or natural disasters. These regulations apply to hot or cold weather and are usually crafted with specific temperatures and conditions, making enforcement straightforward (for example, tethering is prohibited when the temperature is below 32 degrees or above 85 degrees, or during any heat or wind chill advisory or watch or warning issued by the National Weather Service). Protecting dogs from extreme weather events can potentially be the most compelling argument for anti-chaining legislation and a good starting point for legislation.
- **Restrictions on Tethering Type, Length, Manner**

Tethering can be regulated based on the materials used, such as the tether itself, the objects the tether is attached to, the collar or harness attached to the dog, the length of the tether in relation to the dog's size and living space, etc. Our recommendations are listed in "Tethering Standards" below.
- **Standards of Care Regulations**

ordinance is not to take away anyone's ability to own or breed dogs, rather is about community safety, can prevent arguments later on.

Some of the common arguments against tethering bills are:

- "We are a country founded on freedom and personal rights; don't tell me how to raise my dog." Part of our social contract is to accept laws that are for the common good, and one of our shared values is the humane treatment of animals. One must consider all of the financial requirements of owning a pet—food, vet care and a safe environment. In short, these laws are part of our social contract.
- "A tether doesn't mean a dog is neglected. A dog could be just as neglected behind a fence. Removing chaining won't stop neglect, and we already have laws for that." A tethering ordinance will not solve every dog problem in your community overnight, but it is part of a long-term solution and over time it will help improve the way dogs live in the community because it is taxing—and we all pay the costs. It is important to remember that tethering is more strongly correlated with dog bites and attacks than are dogs living behind fences, because it restricts natural behaviors.
- "What about the elderly lady who ties her dog to the front porch while she is gardening?" This type of situation is an exception your ordinance should exempt. Additionally, as this is a complaint-driven ordinance, very few people are going to complain to enforcement agencies about this woman, and even if they did, enforcement should easily be able to see that this situation is not dire or in need of correction. Law enforcement is empowered to make judgment calls and give people time to correct situations and know the difference between a cruel situation and one where the people just need a little support and information.
- "This ordinance will flood the shelters." Ordinances should be designed to improve tethering situations, and the goal should be keeping pets in their homes when possible. Working with owners to reach compliance is the goal, and utilizing the citation/seizure options will be employed only when education is ineffective. This type of ordinance is complaint-driven, so there will likely be an increase in calls about chained dogs in the very beginning, but these will even out and eventually reduce the number of calls to law enforcement. Rather than being a burden on animal control, it will actually help decrease their workload because it creates long-term animal welfare change in the community by raising pet keeping standards.

8. Testify

If your council calls a public meeting to discuss your proposal, you should testify and get members of your coalition to testify with you. As much as chaining is a bad thing for dogs, you need to be sure to spend equal time focusing on the reasons that dog chaining is bad for people.

- Be sure your sponsor of the ordinance is prepared for the likely opposition before it is introduced.
- While every community is different, the odds are that someone in your area will oppose any kind of restrictions on chaining. Some of these people may include: owners' rights groups and "responsible" dog ownership groups, breeders and kennel clubs, hunters, and farmers.
- Plan ahead of time to make sure that everyone doesn't speak on the exact same points (a common problem at public hearings).

9. Regroup after defeat

You may not win on the first time around, but don't give up. Maybe your council wasn't ready for this particular issue at this time. Talk to the councilmembers who voted against your bill and find out why. You can learn from this experience and try to pass a better bill in the future.

10. Celebrate victory!

You have completed a great accomplishment, so be proud of all of your hard work! Once passed, stay in touch with your enforcement agency to see what/how you might be able to help get the word out (billboards, door hangers, social media, news outlets, etc.). Continue working with members of the coalition to start getting the dogs off their chains! See our resources on "community programs" for ideas of how you can supplement the ordinance with outreach efforts.

1. Know the Issue

Become an authority on the issue and have talking points ready. Understand how the issue affects your community, and highlight recent cases in your area.

2. Learn the process

The process for local legislation varies around the country, so take the time to get familiar with how things work in your community. An official or employee in your local government may be able to help you.

3. Create your coalition

Utilize the list of allies above to create a tethering coalition and be sure to keep in touch throughout the process.

4. Find a friend in office

Public officials tend to take constituents' interests seriously, so try talking to your own council member or alderman first. As much as we'd like the people we vote for to agree with us, this may not always work. If your own council member isn't interested, try to find another official with an interest in animal issues and pitch your idea. Often, your local animal control bureau or non-profit humane society can point you towards a sympathetic decision-maker.

Your sponsor, as well as other public officials, will want you to know the answers to the following questions:

- Why is this issue important? Defining the problem and history of tethering
- How will the proposed language solve the issue?
- Who supports the bill?
- Who opposes the bill?
- Does the bill have a fiscal impact?
- How have other states & cities dealt with the issue?

5. Draft the ordinance

You may already know what you want your ordinance to say, but it will have to be crafted into an appropriate legislative format. It may be best to have an attorney or someone with ordinance experience to help you write the draft. It can be helpful to find model language from other ordinances as a starting point for your county.

6. Get community support

Supporting a local ordinance means testifying at council meetings, contacting council members to express support for the ordinance, and informing others about the ordinance. Even in big cities, it can be common for very few people to get involved in local government (which means a small group of people are changing laws and policies), so getting active community support can make or break the legislation you are trying to pass.

Local officials read local papers! Schedule a meeting with the editor or editorial board of your local paper to ask them to support your proposal. Contact other media outlets, including television and radio, to let them know about your efforts. Write letters to the editor of your local paper, remembering to state your case concisely.

Prepare a fact sheet with key messages and be well researched with examples that you can provide members of the community and those in decision-making positions. Set-up appointments with government staff and distribute the fact sheet.

7. Understand your opposition and compromise (if needed)

Whether because of enforcement issues or strong opposition, sometimes you may have to compromise on your ordinance. Be prepared to compromise ahead of time. Know what parts of your ordinance are most important and which ones can be set aside, if needed. If possible, meet with members of your opposition to see what the concerns are and whether or not any of them can be mitigated. Sometimes, even a letter to the leadership of a local opposition group soon after the issue is introduced can go a long way. Conveying that the purpose of a tethering

These are ordinances that provide minimum standards of care for all dogs. These ordinances may not get a dog off of a chain, but when enforced positively, they can improve the quality of life for dogs which is extremely important. Some examples:

- **Collar or Harness Types Used**

Dogs are typically attached to the tether by a collar or harness. Some communities forbid attaching dogs by a collar, but if collars are used, they should always be properly fitted and never the pinch, prong, or choke type.

- **Type of Tether**

A tether should not be too heavy; the maximum weight limit should be no more than 1/10 or 1/8 of the dog's body weight. The length of the tether should be at least 5 times the length of the dog (from tip of nose to base of tail) and never less than 10 feet. Additionally, all tethers should have swivels on both ends to prevent twisting and tangling.

- **Environment**

The area should be free of garbage or other debris that can harm the dog. Also, there should be no fences or other objects within the radius of the tether that a dog can get hung upon. Some communities require that the area is kept free of accumulated fecal matter. This may be tough to define, but it's certainly worth discussing.

- **Food and Water**

Most basic animal cruelty laws already require that dogs receive appropriate, nutritious food and clean water. With tethered dogs though, it's especially important to monitor these things. Some ordinances stipulate that food and water bowls are cleaned daily or that water must not be frozen.

- **Extreme Weather**

Forbidding dogs to be chained outside in conditions such as extreme temperatures (typically defined as below 40F and above 80F), hurricanes, tornadoes, and rain storms is a good step to protecting dogs. Utilizing National Weather Service advisories is also a clear guideline for requiring that dogs be inside.

- **Shelter and Enclosure Size**

All dogs who spend any period of unsupervised time outdoors must have some kind of shelter. They should also have an area of shade that is separate from the shelter and enough room in an enclosure for normal movements. Shelter definitions vary, but can range from anything with three sides and a roof to very complex descriptions. If you have the opportunity to provide a clear definition, see sample ordinances for ideas about how to ensure dogs outside are provided adequate protection from the elements.

Enforcement/Penalties

Ideally, tethering ordinances will have significant fines and increasing penalties for repeat offenses. However, while it is important to have appropriate penalties for tethering law violations, allowing a period of time before the law takes effect will help the community to adapt. It would be ideal to offer a public education period during which there are efforts made to inform the public about this change in the law and provide warnings instead of citations. Warnings will give enforcement agencies a chance to talk with owners and better understand what solutions are needed to unchain their dogs, and then give people a period of time to work towards compliance. Enforcement agents can play an important role in connecting owners to resources such as training and behavior information or programs that can help repair or build fences. The grace period should shorten as time goes on and the public is educated about the new ordinance. Penalties should always be designed with the goal of motivating owners to unchain their dogs, reserving punitive measures and removal of animals as a last resort in serious cases.

Requiring people to rethink how they house their dog can lead to a dramatic transition in attitudes, even with owners who have chained their dog since the dog was a puppy. After seeing the dog living happily inside a fence, they are often awed and moved to start bringing the dog inside during bad weather or at night, and eventually some dogs will start living indoors. Sometimes people behave in certain ways because they have never considered an alternative.

Now, Let's Pass an Ordinance!

- (6) To an exhibitor holding a class C license under the Animal Welfare Act, (7 U.S.C. § 2133) that are temporarily in the state; or
- (7) To sled dog owners who are actively training their dogs to pull sleds in winter conditions.

Example Exemptions

Texas

Sec. 821.078.

EXCEPTIONS. Section 821.077 does not apply to:

- (1) a dog restrained to a running line, pulley, or trolley system and that is not restrained to the running line, pulley, or trolley system by means of a pinch-type, prong-type, choke-type, or improperly fitted collar;
- (2) a dog restrained in compliance with the requirements of a camping or recreational area as defined by a federal, state, or local authority or jurisdiction;
- (3) a dog restrained for a reasonable period, not to exceed three hours in a 24-hour period, and no longer than is necessary for the owner to complete a temporary task that requires the dog to be restrained;
- (4) a dog restrained while the owner is engaged in, or actively training for, an activity that is conducted pursuant to a valid license issued by this state if the activity for which the license is issued is associated with the use or presence of a dog;
- (5) a dog restrained while the owner is engaged in conduct directly related to the business of shepherding or herding cattle or livestock; or
- (6) a dog restrained while the owner is engaged in conduct directly related to the business of cultivating agricultural products, if the restraint is reasonably necessary for the safety of the dog.

Sample Testimony

Below is a sample testimony presented in support of a statewide anti-tethering measure in Pennsylvania (SB 373).

Members of the Senate Majority Policy and Judiciary Committees, I would like to thank you for giving me this opportunity to express my support for a new anti-tethering measure in Pennsylvania. My name is -----, and I am [affiliation to ordinance]. I am here to express support for an ordinance which balances well-crafted, reactive enforcement mechanisms along with more proactive efforts to prevent tragedies before they occur, and I am grateful for this opportunity to share my thoughts with you.

I would like to begin by commending the [government body] for recognizing tethering as a critical issue, with impacts both on animal welfare and human health and safety, and for considering this important piece of legislation.

Experts have long agreed that tethering is not conducive to the health and welfare of dogs. Back in June of 1996, the U. S. Department of Agriculture (USDA) issued a statement against tethering: "Our experience in enforcing the Animal Welfare Act has led us to conclude that continuous confinement of dogs by a tether is inhumane. A tether significantly restricts a dog's movement. A tether can also become tangled around or hooked on the dog's shelter structure or other objects, further restricting the dog's movement and potentially causing injury." And the Association of Shelter Veterinarians in its 2009 Guidelines for Standards of Care in Animal Shelters said: "Tethering is an unacceptable method of confinement for any animal and has no place in humane sheltering. Constant tethering of dogs in lieu of a primary enclosure is not a humane practice."

But beyond being just animal welfare concerns, tethering poses a significant risk to communities. The American Veterinary Medical Association has been quoted as saying: "Never tether or chain your dog because this can contribute to aggressive behavior". The Centers for Disease Control (CDC) concluded in a study that the dogs most likely to attack are male, unneutered, and chained. The National Canine Research Council asserts that "the quality of a dog's relationship to humans is a crucial determinant of social behavior." And the scientific study "Which Dogs

Bite? A Case Control Study of Risk Factors” is just one of many studies which demonstrate that “chained dogs account for a substantial portion of serious and fatal bites.”

Chained dogs are also often the source of nuisance complaints, impacting the quality of life for community residents. It only makes sense that a dog tethered alone in a yard with nothing to muffle its sound is more likely to engage in nuisance behaviors like barking than a dog inside a house, making people tethered dogs likely to be considered bad neighbors.

Good tethering policies, then, which prevent dogs from living their lives on chains, are not only good for dogs, they are good for people. This bill is an important step in raising awareness of the issue and moving towards policies and practices which protect citizens, human and canine alike. 20 states have already recognized that tethering laws are an important component. Each has its own provisions and standards. In California, for example, the law specifies simply that “No person shall tether, fasten, chain, tie or restrain a dog to any dog house, tree, fence or other stationary object. [A person may temporarily tether a dog] no longer than is necessary for the person to complete a temporary task.” Connecticut’s law includes restrictions tied to environmental conditions, specifying that tethering is prohibited when a weather advisory or warning has been issued by authorities, or when outdoor conditions pose an adverse risk to the health and safety of the dog. And in Oregon, tethering is considered actionable when it results in physical injury to the dog. Like any other law, a good tethering law must meet the following standards: it must be clear, narrowly drafted and designed to actually solve the problem at hand, and beneficial to the entire community; it must be enforceable, and the enforcing agencies must have sufficient funding to be able to carry out its directives; and it must create mandates with which those targeted by its provisions have the ability to comply.

Most tethering ordinances struggle mightily with enforceability. For example, people often propose time limits for dogs on chains presuming, correctly, that a dog left unattended on a chain for extended periods of time is most likely to run the risk of self-injury or doing harm to others. But lengthy time periods can make enforcement a challenge – after all, most animal control officers do not have time to monitor a dog for extended periods to verify that their owner has not checked on them. And setting specific hours of the day as violations of law is generally not useful either – for example, a law that just bans chaining in overnight hours might unduly penalize someone who works a night shift, and it would offer no protection to dogs left out in the hot summer noontime sun. Care must be taken to ensure that any time periods specified in a law are not only logical, in terms of avoiding the hazards posed by tethering, but also practical from a law enforcement perspective.

It is important to note that a significant number of people who tether or chain their dogs do not do so out of malice. Programs like The HSUS’ Pets For Life and other entities that support under-served pet owners find that the vast majority of people care deeply about their pets, and are genuinely doing the best they can for them, within their means. Some people tether their dogs either because they may not be familiar with behavior and training to know how to successfully live with their pet inside, or they simply do not have the financial resources to employ another option. For example, the person who loves his dog, grew up with “outdoor dogs,” and genuinely believes that outdoor life is best for his pet, may think that he’s actually providing a higher standard of care for his dog through tethering because he is not letting the dog run free, thus avoiding the risk of being hit by a car or worse. For him, sharing information about the dangers of tethering and an offer to build a fence would change life for not just his current dog, but all subsequent dogs he and his family acquire. Or the tenant whose landlord forbids him to build a fence may not realize that crate training may be a healthier indoor alternative – or she may not have the funds with which to purchase the crate. Providing her with a crate and showing her how to acclimate her dog to it would change their lives forever. We find over and over again that, with rare exceptions, people genuinely do love their pets and want to do what’s best for them. Preventative measures designed to assist people to improve the quality of care they are able to give their pets is often the best answer, and can avoid the need for punitive enforcement of tethering and other welfare-related laws.

Efforts to improve confinement practices for dogs should not end with laws that punish violators. We hope that with the new spotlight being shown on this issue, [state/local city or county] will also consider complimentary proactive

approaches to prevent citizens from needing tethering as a form of confinement in the first place. The Humane Society of the United States is happy to provide more information about those types of approaches, which are gaining momentum in a variety of U.S. communities.

(C) a hurricane, tropical storm, or tornado warning has been issued for the jurisdiction by the National Weather Service.

(b) In this section, a restraint unreasonably limits a dog's movement if the restraint:

- (1) uses a collar that is pinch-type, prong-type, or choke-type or that is not properly fitted to the dog;
- (2) is a length shorter than the greater of:
 - (A) five times the length of the dog, as measured from the tip of the dog's nose to the base of the dog's tail; or
 - (B) 10 feet;
- (3) is in an unsafe condition; or
- (4) causes injury to the dog.

Humane standards but no weather or time limitations

District of Columbia

Sec. 22-1001

(b) For the purposes of this section, "cruelly chains" means attaching an animal to a stationary object or a pulley by means of a chain, rope, tether, leash, cable, or similar restraint under circumstances that may endanger its health, safety, or well-being. Cruelly chains includes, but is not limited to, the use of a chain, rope, tether, leash, cable or similar restraint that:

- (1) Exceeds 1/8 the body weight of the animal;
- (2) Causes the animal to choke;
- (3) Is too short for the animal to move around or for the animal to urinate or defecate in a separate area from the area where it must eat, drink, or lie down;
- (4) Is situated where it can become entangled;
- (5) Does not permit the animal access to food, water, shade, dry ground, or shelter; or
- (6) Does not permit the animal to escape harm.

Minimal standards

Hawaii

§711-1109 – Cruelty to animals in the second degree

(1) A person commits the offense of cruelty to animals in the second degree if the person intentionally, knowingly, or recklessly:

...

(g) Tethers, fastens, ties, or restrains a dog to a doghouse, tree, fence, or any other stationary object by means of a choke collar, pinch collar, or prong collar; provided that a person is not prohibited from using such restraints when walking a dog with a hand-held leash or while a dog is engaged in a supervised activity.

Example Exemptions

Rhode Island

General Laws § 4-13-42 Care of dogs.

(d) The provisions of this section shall not apply:

- (1) If the tethering or confinement is authorized for medical reasons in writing by a veterinarian licensed in Rhode Island, the authorization is renewed annually, and shelter is provided;
- (2) If tethering or confinement is authorized in writing by an animal control officer;
- (3) To a training facility, grooming facility, commercial boarding kennel, pet shop licensed in accordance with chapter 4-19, animal shelter, municipal pound or veterinary facility;
- (4) To licensed hunters, field trial participants or any person raising or training a gun dog or hunting dog, provided that the licensed hunter or field trial hunt test participant is actively engaged in hunting, training or field trial hunt testing or is transporting the dog to or from an event;
- (5) To livestock farmers who use their dogs to protect their livestock from predators;

This section does not prohibit the following:

- (1) Attaching a dog to a running line, pulley, or trolley system, if the tether has swivels at both ends to prevent entanglement, and only if the dog has access to housing as defined in section (j).
- (2) Tethering, fastening, chaining, tying, or otherwise restraining a dog pursuant to the requirements of a camping or recreational area.
- (3) Tethering, fastening, chaining, or tying a dog during the restricted hours of 10:00 pm to 6:00 am. for no longer than is necessary for the person to complete a temporary task that requires the dog to be restrained for a reasonable period, which shall not exceed one (1) hour.
- (4) Tethering, fastening, chaining, or tying a dog while engaged in, or actively training for, an activity that is conducted pursuant to a valid license issued by the State of Michigan if the activity for which the license is issued is associated with the use or presence of a dog. Nothing in this section shall be construed to prohibit a person from restraining a dog while participating in activities or using accommodations that are reasonably associated with the licensed activity.
- (5) Tethering, fastening, chaining, or tying a dog while actively engaged in any of the following:
 - (i) Conduct that is directly related to the business of shepherding or herding cattle or livestock.
 - (ii) Conduct that is directly related to an agricultural operation, if the restraint is reasonably necessary for the safety of the dog.

Time restraint and humane standards

Orange County FL

Chapter 5 - Sec. 5-29. - Definitions.

Restraining device shall mean a chain, cord, or cable, with a minimum length of ten (10) feet, used to confine an animal on an owner's property. This device must provide for humane, unrestrained range of movement for the animal to insure that the animal is not exposed to hazard or injury and shall not prevent the animal from having food, water, shelter, adequate ventilation, protection from the elements or other care generally considered to be normal and usual. This device shall be proportional in size, weigh no more than one-eighth (1/8) of the dog or puppy's body weight, and designed for use with the specific breed of animal with an appropriate collar. These devices shall not be used to confine a dog on an owner's property between the hours of 9:00 a.m. and 5:00 p.m., three hundred sixty-five (365) days a year and during times of extreme weather, e.g., hurricanes, below freezing conditions.

Time limits, weather requirements, humane standards

Texas

Subchapter D. Unlawful Restraint of Dog

Sec. 821.076. Definitions.

In this subchapter:

- (1) "Collar" means any collar constructed of nylon, leather, or similar material, specifically designed to be used for a dog.
- (2) "Owner" means a person who owns or has custody or control of a dog.
- (3) "Properly fitted" means, with respect to a collar, a collar that measures the circumference of a dog's neck plus at least one inch.
- (4) "Restraint" means a chain, rope, tether, leash, cable, or other device that attaches a dog to a stationary object or trolley system.

Sec. 821.077.

(a) An owner may not leave a dog outside and unattended by use of a restraint that unreasonably limits the dog's movement:

- (1) between the hours of 10 p.m. and 6 a.m.;
- (2) within 500 feet of the premises of a school; or
- (3) in the case of extreme weather conditions, including conditions in which:
 - (A) the actual or effective outdoor temperature is below 32 degrees Fahrenheit;
 - (B) a heat advisory has been issued by a local or state authority or jurisdiction; or

- (c)The director of animal services shall impound any animal found to be cruelly treated as defined in this article.
- (d)Whoever violates any provision of this section shall forfeit his right to license an animal in the County for one year in addition to any other penalty provided by this article or otherwise by law. Any ownership of such animal without benefit of a license shall be deemed an additional violation of this article.

Ban except when owner is outside and present

Durham County, North Carolina

Sec. 4-13. Definitions.

Attended leash means that the tethered dog is in visual range of the responsible party, and the responsible party is located outside with the dog.

Tethering means tying out or fastening a dog outdoors on a rope, chain or other type of line for holding a dog. This shall not include tying out or fastening a dog outdoors on an attended leash.

Sec. 4-62. General care; prohibited acts.

(5) *Animal abuse*. Examples of animal abuse include, but are not limited to the following:

- a. Allowing a collar, rope or chain to become embedded in or cause injury to an animal's neck.
- b. Allowing a choke or pinch collar to be used as a primary collar when the animal is left unsupervised.
- c. Allowing a dog or cat to be left outside in inclement weather or extreme temperatures without adequate shelter.
- d. Intentionally allowing animals to engage in a fight.
- e. Allowing animals to be kept in unsanitary conditions.
- f. Allowing animals to be kept in crowded conditions. As to dogs, less than 100 square feet of unobstructed area per each dog weighing 20 pounds or under, less than 200 square feet of unobstructed area per each dog weighing greater than 20 pounds. This sub section (f) shall not apply to licensed boarding facilities, licensed pet stores, veterinary care and grooming facilities.

(6) *Tethering of a dog except under the following circumstances*:

- a. Tethering for a period not to exceed 7 consecutive days while actively engaged in:
 - (i) shepherding or herding livestock;
 - (ii) lawful dog activities such as hunting training and hunting sporting events, field and obedience training, field or water training, law enforcement training, veterinary treatment and/or the pursuit of working or competing in these legal endeavors;
 - (iii) meeting the requirements of a camping or recreational area
- b. When participating in recognized exempt activities or when a dog is on an attended leash, tethered dogs shall be attended by a responsible person and shall be tethered in a manner that does not cause unjustifiable pain, suffering or risk of death. Tethers must be made of rope, twine, cord or similar material with a swivel on one end or must be made of a chain that is at least ten feet in length with swivels on both ends and which does not exceed ten per cent of the dog's body weight. All collars or harnesses used for the purpose of tethering a dog must be made of nylon or leather.

Weather provision and some humane standards

Michigan

Michigan Penal Code Section 750.50

(l) "Tethering" means the restraint and confinement of a dog by use of a chain, rope, trolley, cable or similar device. A tether must be designed for dogs. No logging chains, tow chains or other lines or devices not intended for the purpose of tethering dogs may be used. No chain or tether shall weigh more than one-eighth of the dog's body weight. Tether must be free from entanglement to allow free movement of the full length of tether.

(g) Tether a dog unless the dog is a minimum of 6 months of age, tether is at least 3 times the length of the dog as measured from the tip of its nose to the base of its tail and is attached to a harness or nonchoke collar designed for tethering. A dog may not be tethered outside between the hours of 10:00 pm and 6:00 am Eastern Standard Time (or 10:00 pm and 6:00 am Central Standard Time in Gogebic, Iron, Dickinson, and Menominee Counties), and may not be tethered at any time if the temperature is below 32 degrees or above 85 degrees, or during any heat or wind chill advisory or watch or warning issued by the National Weather Service.

Total Ban with grace period for offenders

Live Oak, Texas

Code of Ordinances, Sec. 4-10. - Animal restraint is required.

- (a) It shall be unlawful for any person owning, harboring or in possession of any animal to permit it to be free of restraint either inside or outside such person's premises.
- (b) Any animal permitted to be kept within the city shall not be chained, tied, fastened or otherwise tethered to any stationary or inanimate object as a means of confinement and restraint to property. First-time violators of this provision may be given one to two days' grace without penalty to correct a violation of this provision. Exception from penalty shall not be given in any case where the violation of this provision causes or contributes to the bodily injury of a person or animal. An animal chained, not having food, not having water, [or] not having shelter shall be considered separate offenses under this provision and each violation shall carry a separate penalty.
- (c) All animals permitted to be kept within the city must be restrained at all times within the owner's premises by a secure fence or on a leash or lead.
- (d) Any dogs confined within a fenced yard must have an adequate space for exercise based on a dimension of at least 100 square feet. Provided further that where dogs are kept or housed on property without a fenced yard, the owner of such dogs or persons having custody of such dogs shall provide an enclosure for such dogs meeting the 100 square feet dimension. Such enclosure shall be constructed of chain link or similar type materials with all four sides enclosed. The enclosure shall be of sufficient height to prevent the dog from escaping from such enclosure. The top of such enclosure shall be covered with materials to provide the dog with shade and protection from the elements.
- (e) An animal shall not be considered enclosed by a fence or restrained when and if the animal can pass through, under or over the fence, or the gate of the fence is not securely latched.
- (f) A dog that can snap or bite a person through a fence shall not be considered enclosed by the fence or restrained.
- (g) An electronic fence shall not be considered to be a fence, and an electronic leash shall not be considered to be a leash.
- (h) A dog will be considered to be leashed only when the leash is six feet or less in length or is a retractable leash, and is being grasped by an adult, provided that if the dog is less than 20 pounds then the leash may be grasped by a person who is competent to handle the dog and is over 12 years of age.

Ban except when owner is outside and present

Collier County, Florida

Sec. 14-34. - Inhumane treatment of animals.

- (b) Any enclosure used as a primary means of confinement for a dog must meet the definition of proper enclosure as stated in Section 14-35 of this Article. It shall be unlawful for a responsible party to tether a dog while outdoors, except when all of the following conditions are met. This section shall not apply to the transportation of dogs:
 - (1)The dog is in visual range of the responsible party, and the responsible party is located outside with the dog.
 - (2)The tether is connected to the dog by a buckle-type collar or a body harness made of nylon or leather, not less than one inch in width.
 - (3)The tether has the following properties: It is at least five times the length of the dog's body, as measured from the tip of the nose to the base of the tail; it terminates at both ends with a swivel; it does not weigh more than twice of the dog's weight; and it is free of tangles.
 - (4)The dog is tethered in such a manner as to prevent injury, strangulation, or entanglement.
 - (5)The dog is not outside during a period of extreme weather, including without limitation extreme heat or near-freezing temperatures, thunderstorms, tornadoes, tropical storms, or hurricanes.
 - (6)The dog has access to water, shelter, and dry ground.
 - (7)The dog is at least six months of age. Puppies shall not be tethered.
 - (8)The dog is not sick or injured.
 - (9)Pulley, running line, or trolley systems are at least 15 feet in length and are less than 7 feet above the ground.

Sample Ordinances

Total Ban

Maumelle, Arkansas - Code of Ordinances

Sec. 10-90. - Confinement of animals.

Any person owning animals, whether vaccinated or unvaccinated, licensed or unlicensed, shall confine such animal within an adequate fence or enclosure, or within a house, garage or other building. Animals shall not be tied or chained to doghouses or other stationary objects but must be in an approved enclosure.

Total Ban

New Hanover, North Carolina

Sec. 3.4 (d)

Restraint: An animal is under restraint within the meaning of this chapter if it is controlled by means of a leash, or is sufficiently near the owner or handler to be under his direct control and is obedient to that person's command; or is on or within a vehicle being driven or parked; or is within a secure enclosure. Exceptions to restraint are as follows: Organized and lawful animal functions e.g. hunting, obedience training, field and water training, law enforcement training and/or in the pursuit of working or competing in those legal endeavors. When a dog is on the property of its owner or guardian it shall be secured when not supervised by a competent person. Ropes, chains, and the like shall not constitute adequate security under this ordinance.

A. No person shall, at any time, fasten, chain, or tie any dog or cause such dog to be fastened, chained or tied while such dog is on the dog owner's property or on the property of the dog owner's landlord.

B. Any dogs confined within a fenced yard must have an adequate space for exercise based on a dimension of at least one hundred square feet. Provided, further that where dogs are kept or housed on property without a fenced yard, the owner of such dogs or persons having custody of such dogs shall provide an enclosure for such dogs meeting the one hundred square feet dimension. Such enclosure shall be constructed of chain link or similar type materials with all four sides enclosed. The enclosure shall be of sufficient height to prevent the dog from escaping from such enclosure. The top of such enclosure shall be covered with materials to provide the dog with shade and protection from the elements.

Total Ban

Electra, Texas

Ordinance 96-9, Section 111

Restraint: A. 2. Dogs To Be Restrained—dogs shall not be allowed to run at large. All dogs must be restrained by some physical means; however, a dog shall not be considered at large when held or controlled by some person by means of a rope, leash, or chain. Dogs may not be tethered and the tethering of any dog shall be a violation of this chapter.

Total Ban

Little Rock, Arkansas

Section 6-16

Direct point chaining, or tethering of dogs to a stationary object, is prohibited.

Total Ban

Carthage, Missouri

Sec 4-7 (a)

All dogs must be confined within a fenced area, unless on a leash not longer than six feet long. At no time may any dog be tied to or leashed to inanimate objects i.e. trees, posts, etc. (b) Persons found guilty of violating this section will be liable to fines ranging from: \$25.00 - \$200.00. However, if said dog has been spayed or neutered the fines may be reduced, upon provided proof.