

CHAPTER 5

HEALTH

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Article I

Animals

§ 5-101 Definitions.

In this Chapter, the word "animals" shall mean and include all brute creatures and domestic pets. "Dog" shall include all members of the canine family four (4) months or more of age, including foxes and other canines.

§ 5-102 Cruelty to animals.

It shall be unlawful for any person to inflict unnecessary cruelty upon any animal or to ride, drive or work it when sick or unfit for work, to override, overwork, overload, ride when overworked, torture, torment, or to beat or whip cruelly any animal, and it shall be unlawful for any such person owning or having charge of any animal to fail to provide it with proper food, drink, shelter or protection from the weather. Penalties for violation of this section shall not exceed those prescribed by S.C. Code § 47-1-40 (1993 Supp.)]

§ 5-103 Removal of dead animals.

It shall be unlawful for any person who has possession, ownership or custody of any animal that may die from any natural cause or other cause within the town to permit such dead animal to remain within the town for a longer period than may be necessary under the circumstances to remove such dead animal, and under no condition longer than twenty-four (24) hours. Any dead animal not so removed within twenty-four (24) hours shall be removed at the expense of the person in whose possession the animal died.

§ 5-104 Driving and racing animals.

It shall be unlawful for any person to drive horses or other animals at a dangerous speed in the town or to race horses or other animals on the streets of the town.

Article II

Animal Control

§ 5-201 Animals and fowl at large prohibited.

It shall be unlawful for any person to allow any domestic animal or fowl to run at large on the streets or in public places in the town. Any animal found at large shall be impounded in the county pound and shall be subject to county regulations for recovery or disposal.

§ 5-202 Dangerous animals.

(a) No person owning, harboring, or having the care of a dangerous animal as defined by S.C. Code § 47-3-710 may permit the animal to go beyond his premises unless the animal is safely restrained.

(b) No person owning, harboring, or having the care of a dangerous animal as defined by S.C. Code § 47-3-710 may permit the animal to go unconfined on his premises. "Unconfined" as used in this section means not confined in a securely enclosed fence or securely enclosed and locked pen or run area upon the person's premises. The pen or run area must be clearly marked as containing a dangerous animal and must be designed to prevent the entry of the general public, including children, and to prevent the escape or release of the animal. However, this section does not apply to an animal owned by a licensed security company and on patrol in a confined area.

§ 5-203 Rabies inoculation required.

It shall be unlawful for any person to have possession of any species of carnivore as a pet which has not been inoculated as required by S.C. Code § 47-5-60 (1993 Supp.).

§ 5-204 Tampering with tag prohibited.

It shall be unlawful for any person to remove, destroy, or deface a pet rabies tag or the collar or harness to which it is attached.

§ 5-205 Confinement when rabies suspected.

The Chief of Police is authorized to require an owner of a pet suspected of having rabies or of having been bitten by an animal with rabies to confine the animal in a manner which will prevent contact with humans or other animals for a period as required by S.C. Code § 47-5-110 (1976). Upon failure of the owner to comply with a confinement order, the Chief of Police may take custody of the animal and have it delivered to the county pound.

§ 5-206 Destruction of rabid animals.

Any police officer is authorized to terminate immediately the life of any animal determined to be rabid, or exhibiting the symptoms of rabies, and to deliver the remains to the county health department.

§ 5-207 Condition of animals and pens.

All owners and custodians of pet animals shall keep them in pens or enclosures in sanitary condition with adequate food, water, and shelter. It shall be unlawful for a person to keep a diseased, mangy, sick, or injured pet animal within the town, except those under the care of licensed veterinarians.

§ 5-208 Nuisances prohibited.

It shall be unlawful for the owner or custodian of any animal or fowl to allow it to bark, howl, make noise, or while in heat attract other animals which disturb the peace of the neighborhood, and such disturbance shall constitute a public nuisance.

Article III

Livestock and Fowl

§ 5-301 Running at large prohibited.

It shall be unlawful for any person to allow horses, mules, cattle, other livestock, or domestic fowl to run at large upon public or private property.

§ 5-302 Reserved.

§ 5-303 Slaughterhouse prohibited.

It shall be unlawful for any person to maintain a slaughterhouse within the town.

Article IV

Bird Sanctuary

§ 5-401 Bird Sanctuary established.

The entire area situated within the corporate limits is hereby designated a bird sanctuary.

§ 5-402 Unlawful interference with birds.

Subject to §5-403 herein, it shall be unlawful to trap, hunt, shoot or attempt to shoot or molest in any way any bird or wild fowl or to rob nests or wild fowl nests.

§ 5-403 Birds constituting a nuisance.

If starlings or similar birds are found to be congregating in such numbers in a particular locality that they constitute a menace to health or property, and if no satisfactory course of action is found to abate such nuisance, said birds may be destroyed in such manner and in such numbers as is deemed advisable by said health authorities under the supervision of the chief of police, and as approved by the town council.

Article V

Nuisance Abatement

§ 5-501 Unhealthy or unsightly condition; nuisance.

It shall be unlawful for any person to allow property under his ownership or control to be kept in an unhealthy or unsightly condition by reason of the existence thereon of rubbish, debris, vegetation, weeds, water, foul or noxious effluvia, structural material, equipment, vehicle, or any other substance; and such unhealthy or unsightly condition constitutes a public nuisance. Conditions which constitute a public nuisance include, but are not limited to, the following:

- (1) Deposit of trash, garbage, waste, or debris on private or public property in other than approved disposal containers;
- (2) Accumulation of water in which mosquitoes may breed;
- (3) Growth of vegetation or accumulation of materials which provide a harbor or breeding place for rodents or other pests;
- (4) Growth of weeds in excess of one foot in height;
- (5) A dilapidated structure which is unfit for habitation, or which provides a harbor for rodents, pests, stray animals, or persons engaged in controlled substance use or sale;
- (6) Unauthorized production, transportation, storage, or discharge of fumes, dust, smoke, noise, chemicals, toxic materials, waste, or other materials which pose a threat to public health or safety;
- (7) Any condition which is conducive to the transmission of communicable disease or which increases the hazard of fire; or
- (8) A junked or abandoned, unlicensed, inoperable, and unsecured motor vehicle which provides a harbor or breeding place for insects or rodents.

§ 5-502 Notice and hearing on abatement of nuisance.

(a) The town administrator or designated enforcement official shall serve written notice by certified mail upon the owner, or his agent, and the occupant of property upon which conditions exist in violation of this article requiring that the conditions be corrected or removed within fifteen (15) days.

(b) The notice shall state that, upon written request received prior to the expiration of fifteen (15) days, the town administrator will conduct a hearing at which the requesting party may appear or be represented for the purpose of determining the applicability of this article to the property.

(c) After the hearing the town administrator shall issue a written order containing findings and conclusions, and specifying a time in which any corrective action must be taken, which shall be served by certified mail upon the party requesting the hearing.

§ 5-503 Failure to abate unlawful.

It shall be unlawful for any person to fail to comply with a notice or order to abate a nuisance pursuant to this article. The town administrator or designated enforcement official may issue an ordinance summons or seek an arrest warrant for violation of this article.

§ 5-504 Abatement; lien.

Upon failure of the responsible party to abate a nuisance as required by notice or order, the town administrator or designated enforcement official may go onto the property and correct or remove the conditions constituting a nuisance. The costs of abatement shall be a lien on the property which shall be added to and collected in the same manner as property taxes.

Article VI

Garbage and Refuse

§ 5-601 Definitions.

The following definitions shall apply in the interpretation and the enforcement of this Article:

(a) "Building Materials" means any material such as lumber, brick, plaster, gutters, or other substances accumulated as a result of repairs or additions to existing buildings, construction of new buildings or demolition of existing structures.

(b) "Bulk Container" means a covered metal container, not to exceed four cubic yards, to be approved by the town administrator.

(c) "Commercial Waste" means garbage, rubbish, ashes and other refuse, resulting from institutions and commercial concerns such as motels, hotels, stores, etc.

(d) "Garbage" means the by-product of animal or vegetable food-stuffs resulting from the handling, preparation, cooking and consumption of food, or other matter, which is subject to decomposition, decay, putrefaction or the generation of noxious or offensive gases or odors, or which during or after decay, may serve as breeding or feeding material for flies, insects or animals.

(e) "Hazardous Refuse" means material such as poison, acids, caustics, chemicals, infected materials, offal, fecal matter and explosives.

(f) "Household Trash" means waste accumulation of paper, sweepings, dust, rags, bottles, ashes, cans or other matter of any kind, other than garbage, which is usually attendant to housekeeping.

(g) "Industrial Waste" is solid waste resulting from an industrial process or manufacturing operation.

(h) "Litter" means garbage, refuse, waste materials or any other discarded,

used or unconsumed substance which is not handled as specified herein.

(i) "Refuse" is a collective term which encompasses all of the solid wastes for the community.

(j) "Special Waste" means all waste collected in bulk containers from industry and also that refuse resulting from either a commercial, industrial or manufacturing operation which requires special handling such as sawdust, steel springs or other materials which would otherwise damage refuse packers.

§ 5-602 Administration.

The town administrator shall administer the contract with a private contractor for residential, commercial and industrial refuse removal. Commercial and industrial plants may transport waste from their operations to an approved sanitary land-fill.

§ 5-603 Refuse containers.

Refuse containers for residential and commercial uses must be securely covered metal or plastic containers of not more than 30 gallon capacity. Mobile containers, when permitted by the town administrator, shall have not less than 80 gallon capacity and not more than 90 gallon capacity. Mobile containers must be so constructed that they can be emptied by the lifting devices mounted on collection trucks. All mobile containers shall be subject to the approval of the town administrator.

§ 5-604 Residential collection.

The owner or occupant of property shall provide at least one (1) approved container for each single family dwelling and at least two (2) approved containers for each multi-family dwelling of not more than three (3) units. It shall be unlawful for any person to remove, damage or interfere with access to a refuse container, or to scatter waste from a container.

§ 5-605 Commercial collection.

Commercial establishments shall utilize approved bulk containers(s) as necessary for the amount of solid waste generated. These containers will be positioned at the establishments so as to permit waste collection in the most expeditious manner. Where small amounts of solid waste are generated, a single bulk container may be located to serve multiple establishments, or an individual establishment may use a mobile container to be served weekly by the residential solid waste collection truck, as determined by the town administrator.

§ 5-606 Apartments, complexes, trailer park collection.

The owner of an apartment, complex, or trailer park of four (4) or more single units shall furnish the necessary bulk container or containers, or replace mobile containers or rollouts, and keep the area around them clean and clear of trash, and litter. The number of bulk containers necessary shall be determined by the town administrator. Mobile containers or rollouts, when approved, shall be provided by the owner at no less than one (1) per unit.

§ 5-607 Industrial waste collection.

Industrial manufacturing operations shall furnish and be responsible for the cost of collection and disposal of industrial waste.

§ 5-608 Special waste collection surcharge.

Any residential or commercial establishment requiring handling of special waste shall be subject to a surcharge approved by the town council.

§ 5-609 Replacement of containers.

Containers which are damaged, destroyed, or stolen through abuse, neglect, or improper use by the occupant or owner shall be replaced at the expense of the occupant or owner of the residence. It shall be unlawful for any person to damage, destroy, deface or remove from the premises any refuse container. Markings and identification devices on the containers except as placed or specifically permitted by

the town, are expressly prohibited and shall be regarded as damage to the containers.

§ 5-610 Responsibility to place garbage for collection.

It shall be the responsibility of each occupant to place refuse for collection at the time in the manner as provided in this ordinance. All single or multi-family residential mobile containers shall be placed at the curb for collection no earlier than one (1) hour before sunset the day before collection and no later than 6:00 a.m. on the day of collection. All mobile containers shall be removed from the curb no later than 7:00 p.m. the day of collection. A mobile container shall be kept in the rear of residence, or on the side of the residence if behind shrubbery or other suitable screening such that the mobile container is not readily visible from the street. Mobile containers found in violation of this ordinance shall be removed by the town subject to return upon payment of any fines and fees.

§ 5-611 Excess solid waste.

Excess solid waste above the containerized capacity of the mobile container shall be bagged or boxed in a throw-away container and placed neatly beside the mobile container. Occupant may be required to provide a second container at the discretion of the town administrator when excess waste is generated frequently.

§ 5-612 Cleaning of containers.

The occupant or residence owner shall keep refuse containers reasonably clean and free of water.

§ 5-613 Bulk container area to be kept clean.

The occupant or user of a bulk container shall keep the storage area and curbside pickup point free of litter. Containers shall not be filled beyond capacity.

§ 5-614 Tree limbs, leaves.

All tree limbs, branches, underbrush and other yard waste, including leaves, shall be placed at, not in, the street or curb for collection so as not to block the

sidewalk. Tree branches to be collected shall be no greater than six inches in diameter and six feet in length. Special exceptions must be approved by the town administrator.

§ 5-615 Building materials, etc.

A mobile or bulk container shall not be used as a depository for brick, blocks, rocks, ashes, acids or any other item destructive to the container, from weight or corrosive action, or residue from residential or commercial construction. A contractor, carpenter, builder, or the property owner must remove all trash incident to construction or alteration at his own expense.

§ 5-616 Solid waste disposal.

No person shall deposit or cause to be deposited any form of solid waste on any public or private property. Solid waste shall be prepared and placed for collection as specified in this article.

§ 5-617 Interfering with collection.

No person shall interfere with or otherwise deter the normal refuse collection process by tampering with refuse containers or their contents without permission of the town administrator.

§ 5-618 Extent of service.

Refuse containers shall be serviced once weekly. No person, firm or corporation shall be entitled to service on more than two containers per pickup.

§ 5-619 Reserved.

§ 5-620 Removal of dead animals.

Dead animals shall not be placed in refuse containers. Owners of dead animals shall be responsible for their removal and disposal.

§ 5-621 Receptacles for the use of town residents and businesses.

It shall be unlawful for any person who is not a resident of the town, or who does not operate a business within the corporate limits of the town, to deposit or place waste in any receptacle, trash can, trash box or bin serviced by the town or its contractors.

For the purposes of this Section, waste does not include trash, litter, paper or food products which can be casually carried and deposited by hand without being packaged or contained in a paper or plastic bag.

Article VII

Sewerage

§ 5-701 Sewage disposal pursuant to State regulations.

No person shall occupy any building within the corporate limits unless it is connected with a sanitary sewer disposal system or septic tank approved by the South Carolina Department of Health and Environmental Control.

§ 5-702 Building contracts to state method of sewage disposal.

All building contracts for the erection of structures within the Town anticipated for human residence shall provide for adequate and sanitary sewage disposal. If no approved sewer connection is available to such a building, the contract must provide for the construction of proper and adequate facilities in accordance with the standards prescribed by the Department of Health and Environmental Control. Applications for permits to erect such buildings shall state the proposed method of sewage disposal.