



ALAN WILSON
ATTORNEY GENERAL

November 4, 2013

The Honorable David Hogue
Mayor, Town of Blacksburg
PO Box 487
Blacksburg, SC 29702

Dear Mayor Hogue:

This Office received your request for an opinion clarifying the five days hold of impounded animals at a county/municipal shelter prior to disposition which is provided for in section 47-3-60(B) of the South Carolina Code.¹ Each of your questions and its analysis follows.

LAW/ANALYSIS:

The South Carolina Rules of Civil Procedure state:

In computing any period of time prescribed or allowed by these rules, by order of court, or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to

¹ Section 47-3-60(B) of the South Carolina Code states:

(B) After any animal has been impounded for five days and is unclaimed by its owner, and after the animal shelter employees have made a good faith effort to contact the identified owner as required by Section 47-3-540, the animal shelter employees, unless the animal must be kept pending disposition of a criminal or civil trial involving the animal or unless a hearing on the disposition of the animal is held prior to the trial, may dispose of the animal by adoption or by euthanasia or the animal may be turned over to any organization established for the purpose of caring for animals, such as the Humane Society.

S.C. Code Ann. § 47-3-60(B).

be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or a State or Federal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor such holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation. A half holiday shall be considered as other days and not as a holiday.

S.C. R. Civ. P. 6(a).

- I. If an animal enters the shelter just before closing time on Monday, should the shelter count Monday as one of the five hold days?**

If an animal enters the shelter at any time on Monday, Monday will not count as one of the five hold days.

- II. Under any conditions should the day the animal arrives be included in the five days holding period?**

Under no circumstances should the day the animal arrives be included in the five days holding period.

- III. Should the five days holding period begin with Day One being the days *after* the animal enters the shelter, and the Day Five be at the end of the close of business on the fifth day (i.e. the animal enters shelter on Monday, the first day of holding period is Tuesday, and the holding period would end at the close of business on Saturday, meaning that the animal could not be released to a humane society, adopted, or destroyed before Sunday morning at the earliest)?**

To use your example, if the animal enters the shelter on Monday, Day One is on the following day, Tuesday. Day Five is on the Monday of the next week (unless there is a holiday) and the animal shelter may dispose of the animal by adoption or euthanasia or the animal may be turned over to any organization for the purpose of caring for animals on the day after Day Five, which is Tuesday.

- IV. If the animal shelter is closed to the public on weekends, or any days during the week, therefore making it impossible for an owner to come there on those days to identify and reclaim a pet, should the days of the week that the shelter is closed be included in the five hold days?**

Saturdays, Sundays, and holidays are not included in the computation of the five days animal impoundment.

CONCLUSION

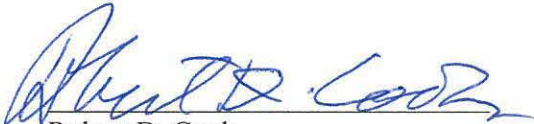
When calculating the five days animal impoundment provided for in section 47-3-60(B) of the South Carolina Code, Day One is the day after the animal is impounded. Since the days of animal impoundment are less than seven days, Saturdays, Sundays, and holidays are excluded when determining Day 5.

Sincerely,



Elinor V. Lister
Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook
Solicitor General