

1975 WL 29346 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 5, 1975

*1 Pursuant to Section 6-522, et seq., CODE OF LAWS OF SOUTH CAROLINA (1962), as amended, it is unlawful for a county institution to feed its own garbage to swine.

Director Research and Administration
Agriculture and Natural Resources Committee

QUESTION PRESENTED:

Does Section 6-528, CODE OF LAWS OF SOUTH CAROLINA (1962), as amended, exempt county institutions from the Section 6-522, CODE OF LAWS OF SOUTH CAROLINA (1962), as amended, prohibition against feeding garbage to swine.

LEGAL AUTHORITIES INVOLVED:

Section 6-521, et seq., CODE OF LAWS OF SOUTH CAROLINA (1962), as amended; 19A Words and Phrases at 482.

DISCUSSION:

The problem has arisen specifically as to whether or not the Union County Home and the Union County Prison Farm are exempt from the statute prohibiting the feeding of garbage to swine by virtue of Section 6-528, CODE OF LAWS OF SOUTH CAROLINA (1962 Supp.).

Section 6-522 provides: 'It shall be unlawful for any person to feed garbage to swine.' The only exception to this law is that:

This Act shall not apply to any person who feeds his own household garbage to swine, except that no person shall sell or offer for sale any hogs which have consumed any garbage within thirty days of sale. Section 6-528, CODE OF LAWS OF SOUTH CAROLINA (1962 Supp.); Section 8, Act No. 1185.

'Person' is defined as 'the State, any municipality, political subdivision, institution, public or private corporation, individual, partnership, or any other entity.' Section 6-521(b), CODE OF LAWS OF SOUTH CAROLINA (1962 Supp.). Furthermore, 'household' has been defined as 'a domestic establishment' or 'a number of persons who dwell as a family but not necessarily under a common roof.' 19A Words and Phrases at 482. Reading the Act as a whole, the exempted 'person who feeds his own household garbage to swine' must be not only a 'person' within the meaning of Section 6-521(b) but also a 'householder.' As the definition illustrates, it strains the ordinary meaning of 'householder' to include institutions within its ambit.

Therefore, it is the opinion of this Office that neither the Union County Home nor Prison Farm is a 'householder' within the exemption of Section 6-528, and may not feed its own garbage to its swine.

M. Elizabeth Crum
Assistant Attorney General

1975 WL 29346 (S.C.A.G.)

End of Document

© 2018 Thomson Reuters. No claim to original U.S. Government Works.