



**RICHLAND COUNTY COUNCIL
REGULAR SESSION AGENDA**

**JANUARY 4, 2011
6:00 PM**

CALL TO ORDER HONORABLE PAUL LIVINGSTON, CHAIR

INVOCATION THE HONORABLE KELVIN E. WASHINGTON, SR.

PLEDGE OF ALLEGIANCE THE HONORABLE KELVIN E. WASHINGTON, SR.

Election Of Chair

1. ELECTION OF CHAIR

Election Of Co-Chair

2. ELECTION OF VICE-CHAIR

Selection Of Seats

3. SELECTION OF SEATS

Approval Of Minutes

4. Special Called Meeting: December 21, 2010 [PAGES 7-12]
5. Zoning Public Hearing: December 21, 2010 [PAGES 14-15]

Adoption Of The Agenda

Report Of The Attorney For Executive Session Items

6. a. Project Care {OUTSIDE COUNSEL}

Citizen's Input

7. For Items on the Agenda Not Requiring a Public Hearing

Report Of The County Administrator

8. a. Fourth Quarter Smoking Ban Report
- b. 2011 Council Retreat, January 6th & 7th

Report Of The Clerk Of Council

Report Of The Chairman

Open/Close Public Hearings

9. a. An Ordinance amending the Fiscal Year 2010-2011 Utilities Fund Annual Budget to appropriate \$75,463 of Utilities Fund Interest for Broad River Capital Project Closeout
- b. An Ordinance amending Ordinance 008(a)-10HR and Authorizing a Quit-Claim Deed to Malika R. Snipe for a portion of Hunter's Road, unpaved road in the Richland County Road Maintenance System
- c. An Ordinance amending Ordinance 008(a)-10HR and Authorizing a Quit-Claim Deed to Aramide Mitchell for a portion of Hunter's Road, an unpaved road in the Richland County Road Maintenance System
- d. An Ordinance amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article III, Building Codes; so as to provide regulations for boarded-up structures

Approval Of Consent Items

10. An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article X, Subdivision Regulations; so as to add a new section that permits the subdivision of property to heirs of a deceased property owner [**THIRD READING**] [**PAGES 21-23**]
11. Amend Ordinance which authorized a Quit Claim Deed to A. Mitchell and M. Snipe: [**PAGES 25-34**]
 - a. An Ordinance Amending Ordinance 008(a)-10HR and Authorizing a Quit-Claim Deed to Malika R. Snipe for a portion of Hunter's Road, an unpaved Road in the Richland County Road Maintenance System [**THIRD READING**] [**PAGES 27-30**]
 - b. An Ordinance Amending Ordinance 008(a)-10HR and Authorizing a Quit-Claim Deed to Aramide Mitchell for a portion of Hunter's Road, an unpaved road in the Richland County Road Maintenance System [**THIRD READING**] [**PAGES 31-34**]
12. Proposed Ordinance for Emergency Planning [**PAGES 36-39**] [**FIRST READING**] [*Forwarded from the D&S Committee*]
13. Automatic Vehicle Locations Systems-Sheriff's Department [**PAGES 41-42**] [**TO TABLE**] [*Forwarded from the A&F Committee*]

14. Change Order Approval for Landfill Phase 1A Closure Project [**PAGES 44-45**] [*Forwarded from the A&F Committee*]
15. Establish a formal review of financial data [**PAGES 47-48**] [**TO TABLE**] [*Forwarded from the A&F Committee*]
16. Ordinance to amend Chapter 6, Building and Building Regulations, regarding language affecting the Building Codes Board of Adjustment [**PAGES 50-54**] [**FIRST READING**] [*Forwarded from the A&F Committee*]
17. The Chair of County Council request and schedule a joint meeting with Lexington County officials to consider the feasibility of a collaborative impact fee study for both counties [*Forwarded from the A&F Committee*]

Third Reading Items

18. An Ordinance Amending the Fiscal Year 2010-2011 Utilities Fund Annual Budget to appropriate \$75,463 of Utilities Fund Interest for Broad River Capital Project Closeout [**PAGES 57-58**]
19. An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article III, Building Codes; so as to provide regulations for boarded-up structures [**PAGES 60-64**]

Report Of Administration And Finance Committee

20. Update on negotiations for property purchase on the Northern Boundary of the C&D County Landfill [**PAGES 66-67**] [*Forwarded from the A&F Committee*]

Other Items

21. The Unsafe Housing Procedures [**PAGES 69-74**]

Citizen's Input

22. Must Pertain to Items Not on the Agenda

Executive Session

Motion Period

Adjournment



Richland County Council Request of Action

Subject

ELECTION OF CHAIR

Notes

2.6 ELECTION OF THE CHAIR: The Chair shall be elected at the first regular meeting of the Council in January, or as soon as practical, by the members of the Council. The Chair shall serve continuously until the following January unless removed by a two-thirds majority vote of the full Council.

Richland County Council Request of Action

Subject

ELECTION OF VICE-CHAIR

Notes

2.7 ELECTION OF VICE-CHAIR: The Vice-Chair shall be elected either at the first regular Council meeting in January or as soon thereafter as may be practical. The Vice-Chair shall preside in the absence of the Chair. In the absence of the Chair, the Vice-Chair or the senior member of Council shall preside.

Richland County Council Request of Action

Subject

Special Called Meeting: December 21, 2010 [PAGES 7-12]

MINUTES OF



RICHLAND COUNTY COUNCIL SPECIAL CALLED MEETING TUESDAY, DECEMBER 21, 2010 Immediately Following A&F Committee Meeting

In accordance with the Freedom of Information Act, a copy of the agenda was sent to radio and TV stations, newspapers, persons requesting notification, and was posted on the bulletin board located in the lobby of the County Administration Building.

MEMBERS PRESENT:

Chair	Paul Livingston
Vice Chair	Damon Jeter
Member	Joyce Dickerson
Member	Gwendolyn Davis Kennedy
Member	Valerie Hutchinson
Member	Norman Jackson
Member	Bill Malinowski
Member	Jim Manning
Member	L. Gregory Pearce, Jr.
Member	Kit Smith
Member	Kelvin Washington

OTHERS PRESENT – Milton Pope, Tony McDonald, Sparty Hammett, Randy Cherry, Stephany Snowden, Tamara King, Larry Smith, Anna Almeida, Amelia Linder, David Hoops, Michael Byrd, Alonso Smith, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 6:30 p.m.

INVOCATION

The Invocation was given by the Honorable L. Gregory Pearce, Jr.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable L. Gregory Pearce, Jr.

POINT OF PERSONAL PRIVILEGE – Ms. Dickerson recognized her niece who is serving in the Armed Forces overseas.

Mr. Livingston recognized Ms. Smith for her 20 years of service to Richland County Council.

Mr. Jackson recognized Councilman-elect Seth Rose was in the audience.

APPROVAL OF MINUTES

Regular Session: December 14, 2010 – Ms. Kennedy moved, seconded by Ms. Dickerson, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF AGENDA

Mr. Malinowski moved, seconded by Mr. Jackson, to adopt the agenda as distributed. The vote in favor was unanimous.

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

a. Personnel Matter

CITIZENS' INPUT

No one signed up to speak.

REPORT OF THE COUNTY ADMINISTRATOR

No report was given.

REPORT OF THE CLERK OF COUNCIL

No report was given.

REPORT OF THE CHAIRMAN

Personnel Matter – This item was taken up in Executive Session.

REPORT OF DEVELOPMENT AND SERVICES COMMITTEE

All items were forwarded to the January 4th Council meeting.

REPORT OF THE ADMINISTRATION AND FINANCE COMMITTEE

All items were forwarded to the January 4th Council meeting.

I. NOTIFICATION OF APPOINTMENTS

- a. **Lexington/Richland Alcohol and Drug Abuse Council—2** – Mr. Malinowski stated that the committee recommended appointing Rev. Gregory Cunningham and Mr. L. L. Buddy Wilson.

Mr. Jackson made a substitute motion, seconded by Mr. Washington, to vote on the applicants individually. The vote was in favor.

Mr. Pearce, Mr. Malinowski, Mr. Jackson, Ms. Hutchinson, Mr. Livingston, Ms. Dickerson, Mr. Manning, Ms. Kennedy, Mr. Washington, and Ms. Smith voted for Rev. Cunningham.

Ms. Legree-Long's application was withdrawn.

No one voted for Mr. Puryear.

Mr. Jackson, Mr. Jeter, Ms. Kennedy, and Mr. Washington voted for Ms. Stocker.

No one voted for Ms. Trevitz.

Mr. Pearce, Mr. Malinowski, Ms. Hutchinson, Mr. Jeter, Mr. Livingston, Ms. Dickerson, Mr. Manning and Ms. Smith voted for Mr. Wilson.

Rev. Gregory Cunningham and Mr. L. L. Buddy Wilson were appointed.

- b. **Midlands Workforce Development Board—6** – Mr. Malinowski stated that the committee recommended appointing Mr. Reginald Abraham, Mr. Leonard Cooper, Mr. Fredrick Davis, Sr., Ms. Yvonne H. Manley, Ms. Rosalind Miller and Ms. Joann Richardson. The vote in favor was unanimous.

- c. **Richland Memorial Hospital Board—4** – Mr. Malinowski stated that the committee recommended re-appointing Mr. George S. King and Mr. James E. (Rick) Wheeler.

Mr. Washington made a substitute motion, seconded by Mr. Jackson, to vote on the applicants individually. The vote on the substitute motion failed.

The vote in favor of the motion to re-appoint Mr. George S. King and Mr. James E. (Rick) Wheeler was unanimous.

Mr. Malinowski stated that the committee recommended appointing Mr. Charles Waddell and Ms. Ann Pringle Washington.

Mr. Jackson made a substitute motion, seconded by Mr. Washington, to vote on the applicants individually. The vote in favor was unanimous.

Mr. Jackson, Mr. Jeter, Mr. Livingston, Ms. Dickerson, Mr. Washington, and Ms. Smith voted for Ms. Howard.

Mr. Pearce, Mr. Malinowski, Ms. Hutchinson, Mr. Jeter, Ms. Dickerson, Mr. Manning, and Ms. Kennedy voted for Mr. Waddell.

Mr. Pearce, Mr. Malinowski, Mr. Jackson, Ms. Hutchinson, Mr. Livingston, Mr. Manning, Ms. Kennedy, Mr. Washington and Ms. Smith voted for Ms. Washington.

No one voted for Mr. Wright.

Mr. Charles Waddell and Ms. Ann Pringle Washington were appointed.

CITIZEN'S INPUT

No one signed up to speak.

Council recessed at 6:57 p.m. and reconvened at 7:40 p.m.

EXECUTIVE SESSION

=====
Council went into Executive Session at approximately 7:40 p.m. and came out at approximately 8:32 p.m.
=====

Personnel Matter – Ms. Hutchinson moved, seconded by Ms. Dickerson, to approve Option B.

Mr. Jackson made a substitute motion, seconded by Mr. Washington, to approve Option A.

For

Malinowski
Jackson
Jeter
Livingston
Kennedy
Washington

Against

Pearce
Hutchinson
Dickerson
Manning
Smith

Mr. Pearce moved, seconded by Mr. Jeter, to reconsider this item.

For

Malinowski
Jackson
Kennedy
Washington
Smith

Against

Pearce
Hutchinson
Jeter
Livingston
Dickerson
Manning

MOTION PERIOD

That Richland County join and be an active member of the “US Green Building Council” [WASHINGTON] – This item was referred to the D&S Committee.

ADJOURNMENT

The meeting adjourned at approximately 8:41 p.m.

Paul Livingston, Chair

Damon Jeter, Vice-Chair

Gwendolyn Davis Kennedy

Joyce Dickerson

Valerie Hutchinson

Norman Jackson

Bill Malinowski

Jim Manning

L. Gregory Pearce, Jr.

Kit Smith

Kelvin E. Washington, Sr.

The minutes were transcribed by Michelle M. Onley

Richland County Council Request of Action

Subject

Zoning Public Hearing: December 21, 2010 [**PAGES 14-15**]

MINUTES OF



RICHLAND COUNTY COUNCIL ZONING PUBLIC HEARING TUESDAY, DECEMBER 23, 2010 7:00 p.m.

In accordance with the Freedom of Information Act, a copy of the agenda was sent to radio and TV stations, newspapers, persons requesting notification, and was posted on the bulletin board located in the lobby of the County Administration Building.

MEMBERS PRESENT:

Chair	Paul Livingston
Vice Chair	Damon Jeter
Member	Joyce Dickerson
Member	Valerie Hutchinson
Member	Norman Jackson
Member	Gwendolyn Davis Kennedy
Member	Bill Malinowski
Member	L. Gregory Pearce, Jr.
Member	Kit Smith
Member	Kelvin E. Washington, Sr.

OTHERS PRESENT: Anna Almeida, Amelia Linder, Geo Price, Milton Pope, Sparty Hammett, Tony McDonald, Paul Brawley, David Hoops, Larry Smith, Stephany Snowden, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 7:01 p.m.

ADDITIONS/DELETIONS TO AGENDA

There were no additions or deletions to the agenda.

TEXT AMENDMENT

An Ordinance Amending the Richland County Code of Ordinances; so as to add a new section that permits the subdivision of property to heirs of a deceased property owner

Mr. Livingston opened the floor to the public hearing.

Mr. Livingston opened the floor to the public hearing.

Ms. Patricia Green, Mr. Robert Kirkland, Mr. Michael Robinson, Ms. Helen Taylor Bradley, Ms. Virginia Sanders, Mr. Sampson Brown, Ms. Henrietta Brown, Mr. Levi Myers, Mr. Walter Jones, Ms. Mozelle Wilson, Mr. Paul Brawley, and Mr. Bernard Wilson spoke in favor of this item.

The floor to the public hearing was closed.

Mr. Jackson moved, seconded by Mr. Washington, to give Second Reading approval to this item. The vote in favor was unanimous.

ADJOURNMENT

The meeting adjourned at approximately 7:39 p.m.

Submitted respectfully by,

Paul Livingston
Chair

The minutes were transcribed by Michelle M. Onley

Richland County Council Request of Action

Subject

- a. Project Care {OUTSIDE COUNSEL}

Richland County Council Request of Action

Subject

For Items on the Agenda Not Requiring a Public Hearing

Richland County Council Request of Action

Subject

- a. Fourth Quarter Smoking Ban Report
- b. 2011 Council Retreat, January 6th & 7th

Richland County Council Request of Action

Subject

- a. An Ordinance amending the Fiscal Year 2010-2011 Utilities Fund Annual Budget to appropriate \$75,463 of Utilities Fund Interest for Broad River Capital Project Closeout
- b. An Ordinance amending Ordinance 008(a)-10HR and Authorizing a Quit-Claim Deed to Malika R. Snipe for a portion of Hunter's Road, unpaved road in the Richland County Road Maintenance System
- c. An Ordinance amending Ordinance 008(a)-10HR and Authorizing a Quit-Claim Deed to Aramide Mitchell for a portion of Hunter's Road, an unpaved road in the Richland County Road Maintenance System
- d. An Ordinance amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article III, Building Codes; so as to provide regulations for boarded-up structures

Richland County Council Request of Action

Subject

An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article X, Subdivision Regulations; so as to add a new section that permits the subdivision of property to heirs of a deceased property owner **[THIRD READING] [PAGES 21-23]**

Notes

September 28, 2010 - The committee recommended that Council approve an ordinance amending Chapter 26 of the Richland County Code of Ordinances so as to create a section providing a means for real property to be subdivided and transferred to heirs of deceased property owners, subject to an order of the Probate Court. The vote in favor was unanimous.

First Reading: October 5, 2010

Second Reading: December 21, 2010

Third Reading:

Public Hearing: December 21, 2010

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-11HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE X, SUBDIVISION REGULATIONS; SO AS TO ADD A NEW SECTION THAT PERMITS THE SUBDIVISION OF PROPERTY TO HEIRS OF A DECEASED PROPERTY OWNER.

Pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, BE IT ENACTED BY THE COUNTY COUNCIL FOR RICHLAND COUNTY:

SECTION I. The Richland County Code of Ordinances, Chapter 26, Land Development; Article II, Rules of Construction/Definitions; Section 26-22, Definitions; is hereby amended to include in the appropriate alphabetical order, the following definitions:

Heir. A person who by law received wealth, property, etc. when the owner died.

SECTION II. The Richland County Code of Ordinances, Chapter 26, Land Development; Article X, Subdivision Regulations; is hereby amended by the addition of a new section, to read as follows:

Sec. 26-224. Division of real property to heirs of a decedent.

- (a) *Purpose.* Real property held by a deceased person is frequently devised to other family members, and a probate estate is opened. Probate judges will oversee the division of all property of the deceased, including real property. However, probate judges sometimes see the heirs' difficulty in transferring real property of the deceased due to the county's land development regulations, especially as they apply to subdivisions and the need to construct paved roads and install sidewalks. The purpose of this section is to ease the burden of Richland County citizens and to reduce the expenses that heirs may be required to expend in settling the deceased's estate. It also provides a means for real property to be subdivided and transferred to heirs of deceased property owners.
- (b) *Applicability.* The provisions of this section shall apply to all zoning districts.
- (c) *Special requirements for private road subdivisions.*
 - (1) *Review.* Subdivision of heir property is subject to the minor subdivision review procedure found at Sec. 26-54(c)(2). All Planning Department subdivision plan review fees shall be waived; provided, however, all fees charged by DHEC (and collected by the Richland County Public Works Department) shall be paid by the applicant.

- (2) *Roads.* Roads in subdivisions of heir property shall be exempt from the road paving requirements of Sec. 26-181 of this chapter, but shall not be exempt from any other road design requirement. Roads in subdivisions of heir property shall not be eligible or accepted for county maintenance, which is otherwise provided pursuant to Section 21-5 of the Richland County Code of Ordinances, until they meet the road construction standards provided in Chapter 21 of the Richland County Code. The roadway shall have a minimum right-of-way width of sixty-six (66) feet and minimum twenty (20) foot wide passable surface, which meets the standards established and set forth by the county engineer. The subdivision documents shall include a conspicuous statement stating that improvements to the roadway without the approval of the county engineer are prohibited.
 - (3) *Sidewalks.* Subdivisions of heir property shall be exempt from the sidewalk requirements of Sec. 26-179 of this chapter.
 - (4) *Size of lots.* Any and all lots created in a subdivision of heir property shall conform to the zoning district's requirements.
 - (5) *Number of dwelling units.* Only one (1) dwelling unit shall be permitted on each lot.
 - (6) *E-911 requirements.* The road, and each lot, shall conform to the county's E-911 system addressing and posting requirements.
- (d) *Legal documents required.* An applicant for a subdivision of heir property shall submit:
- (1) A copy of the certificate of appointment from the probate court.
 - (2) A copy of the probate court's order that divides the property amongst the heirs, if there is one.
 - (3) A copy of the will, if there is one.
 - (4) The necessary legal documents that:
 - a. Clearly provide permanent access to each lot.
 - b. State that the county shall not be responsible for either construction or routine (i.e. recurring) maintenance of the private road.
 - c. Clearly state that the parcels created by this process shall not be divided again, except in full compliance with all regulations in effect at the time.

(5) A “Hold Harmless Agreement” as to Richland County.

All legal documents shall be provided in a form acceptable to the county legal department.

Secs. 26-225 – 26-250. Reserved.

SECTION III. Severability. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION IV. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION V. Effective Date. This ordinance shall be effective from and after _____, 2011.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

Attest this the ____ day of _____, 2011

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY’S OFFICE

Approved As To LEGAL Form Only
No Opinion Rendered As To Content

First Reading: October 5, 2010
Public Hearing: December 21, 2010
Second Reading: December 21, 2010
Third Reading: January 4, 2011 (tentative)

Richland County Council Request of Action

Subject

Amend Ordinance which authorized a Quit Claim Deed to A. Mitchell and M. Snipe: **[PAGES 25-34]**

a. An Ordinance Amending Ordinance 008(a)-10HR and Authorizing a Quit-Claim Deed to Malika R. Snipe for a portion of Hunter's Road, an unpaved Road in the Richland County Road Maintenance System **[THIRD READING]**
[PAGES 27-30]

b. An Ordinance Amending Ordinance 008(a)-10HR and Authorizing a Quit-Claim Deed to Aramide Mitchell for a portion of Hunter's Road, an unpaved road in the Richland County Road Maintenance System **[THIRD READING]**
[PAGES 31-34]

Notes

November 23, 2010 - The committee recommended that Council amend the ordinance which authorized a quit-claim deed to Aramide Mitchell and Malika Snipe. The vote in favor was unanimous.

First Reading: December 7, 2010

Second Reading: December 14, 2010

Third Reading:

Public Hearing:

Richland County Council Request for Action

Subject: Amend Ord 008(a)-10HR which authorized a Quit-Claim Deed to Aramide Mitchell and Malika R. Snipe

A. Purpose

This request is to amend ordinance 008(a)-10HR, passed February 2, 2010, which authorized a quit-claim deed to Aramide Mitchell and Malika R. Snipe.

B. Background / Discussion

On February 2, 2010, Council passed an ordinance quit-claiming a portion of Hunter's Road to Aramide Mitchell and Malika R. Snipe. The ordinance and deed were drafted to give each person a 50% share in the property. According to Randy Byrd of the Public Works Department, the intent of the previous ROA was actually to give each person half of the property, not a 50% share of the whole property.

Council is now requested to amend the previous ordinance and authorize the execution of new deeds to Aramide Mitchell and Malika R. Snipe, giving each half of the Hunter's Road property. The previous deeds were never recorded nor given to the grantees, so there will not be any confusion or re-recording issues.

C. Financial Impact

No known financial impact.

D. Alternatives

1. Amend the previous ordinance and pass two separate ordinances quit-claiming the proper property to each grantee.
2. Do not amend the previous ordinance.

E. Recommendation

Amend ordinance 008(a)-10HR.

Recommended by: Elizabeth A. McLean

Department: Legal

Date: 9/9/10

F. Reviews

(Please **SIGN** your name, ✓ the appropriate box, and support your recommendation before routing. Thank you!)

Finance

Reviewed by Daniel Driggers:

✓ Recommend Council approval

Comments regarding recommendation:

Date: 9/11/10

Recommend Council denial

Legal

Reviewed by: Larry Smith

✓ Recommend Council approval

Comments regarding recommendation:

Date:

Recommend Council denial

Administration

Reviewed by: Sparty Hammett

✓ Recommend Council approval

Comments regarding recommendation:

Date: 9/13/10

Recommend Council denial

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-10HR

AN ORDINANCE AMENDING ORDINANCE 008(a)-10HR AND AUTHORIZING A QUIT-CLAIM DEED TO MALIKA R. SNIPE FOR A PORTION OF HUNTER'S ROAD, AN UNPAVED ROAD IN THE RICHLAND COUNTY ROAD MAINTENANCE SYSTEM.

WHEREAS, on February 2, 2010, Council passed Ordinance 008(a)-10HR granting a quit-claim deed to Malika R. Snipe and Aramide Mitchell for a portion of Hunter's Road; and

WHEREAS, such ordinance and deed gave each grantee a 50% interest in the described property; and

WHEREAS, it was the intent of County Council to grant to each grantee 100% interest in separate properties; and

WHEREAS, the Council now desires to amend the ordinance and deed to make the above change;

NOW, THEREFORE, pursuant to the authority by the Constitution of the State of South Carolina and the General Assembly of the State of South Carolina, BE IT ENACTED BY RICHLAND COUNTY COUNCIL:

SECTION I. For and in consideration of the sum of \$1.00, the County of Richland and its employees and agents are hereby authorized to grant a quit-claim deed for a certain portion of Hunter's Road in Richland County, South Carolina, to MALIKA R. SNIPE, as specifically described in the attached quit claim deed, which is incorporated herein.

SECTION II. Severability. If any section, subsection, or clause of this ordinance shall be deemed unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION III. Conflicting Ordinances. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION IV. Effective Date. This ordinance shall be enforced from and _____.

RICHLAND COUNTY COUNCIL

By: _____
Paul Livingston, Chair

Attest this _____ day of _____, 2010.

Michielle R. Cannon-Finch
Clerk of Council

First Reading:
Second Reading:
Public Hearing:
Third reading:

THIS SPACE LEFT BLANK FOR RECORDING PURPOSE

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND) QUIT CLAIM DEED

THIS QUIT-CLAIM DEED, executed this _____ day of _____, 20____ by Richland County, (hereinafter "Grantor"), to Malika R. Snipe, (hereinafter "Grantee"). (Wherever used herein, the terms "Grantor" and "Grantee" shall include singular and plural, heirs, successors, assigns, legal representatives and corporations wherever the context so permits or requires).

WITNESSETH, that the said Grantor, for and in consideration of the sum of One Dollar (\$1.00), in hand paid by the grantee, the receipt of which is hereby acknowledge, does hereby remise, release, and quit-claim unto the Grantee, their heirs, successors, and assigns, forever, all their right, title, interest, claim and demand which Grantor has in and to the following described lot, piece, or parcel of land, situate, lying and being in the County of Richland, State of South Carolina, to wit:

All that certain piece, parcel or lot of land, situate, lying and being in the County of Richland, State of South Carolina, and being that portion of roadway shown as Hunters Road on a plat known as Quail Creek Subdivision, Phase 2B-Section 1, and recorded in the ROD of Richland County in Plat Book 50 at Page 8460 Revised, and having the following metes and bounds: The Point of Beginning being at the South corner of property and going N63° 39'38"W for a distance of 130.87 feet , then N28° 22'24"E for a distance of 33 feet, then S63° 39'38"E for 130.47 feet then S 27° 43' 50"W for 33 feet to the Point of Beginning.

Derivation: This being a portion of that track deeded to Richland County by Quail Creek II General Partners on September 28, 1987 and recorded in the ROD of Richland County in Deed Book D0859 at Page 0972.

TO HAVE AND TO HOLD the same together with all and singular the rights, members, hereditaments and appurtenances to the premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular the remises before mentioned unto the said Grantee, their heirs, successors and assigns forever so that neither the said Grantors nor their heirs successors, or assigns nor any other person or persons, claiming under their heirs, successors, or assigns, predecessors, or them, shall at any time hereafter, by any way or means, have claim or demand any right or title to the aforesaid premises or appurtenances, or any part of parcel thereof, forever.

WITNESS my hands and seals this _____ day of _____, 20_____

THIS

SPACE

LEFT

BLANK

WITNESSES:GRANTOR

(Witness #1)

By _____
Its: Chairman, Richland County Council

(Witness #2/Notary)

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

**PROBATE
(Grantor)**

Personally appeared before me _____ and
(Name of Witness #1)
made oath that (s)he saw the within named _____

Execute, seal and as its act and deed, deliver the within Assignment and that (s)he with

_____ witnessed the execution thereof
(Name of Witness #2/Notary

Signature of Witness #1

Sworn to before me this _____

day of _____, 20__

Notary Public for South Carolina

MCE _____

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-10HR

AN ORDINANCE AMENDING ORDINANCE 008(a)-10HR AND AUTHORIZING A QUIT-CLAIM DEED TO ARAMIDE MITCHELL FOR A PORTION OF HUNTER'S ROAD, AN UNPAVED ROAD IN THE RICHLAND COUNTY ROAD MAINTENANCE SYSTEM.

WHEREAS, on February 2, 2010, Council passed Ordinance 008(a)-10HR granting a quit-claim deed to Malika R. Snipe and Aramide Mitchell for a portion of Hunter's Road; and

WHEREAS, such ordinance and deed gave each grantee a 50% interest in the described property; and

WHEREAS, it was the intent of County Council to grant to each grantee 100% interest in separate properties; and

WHEREAS, the Council now desires to amend the ordinance and deed to make the above change;

NOW, THEREFORE, pursuant to the authority by the Constitution of the State of South Carolina and the General Assembly of the State of South Carolina, BE IT ENACTED BY RICHLAND COUNTY COUNCIL:

SECTION I. For and in consideration of the sum of \$1.00, the County of Richland and its employees and agents are hereby authorized to grant a quit-claim deed for a certain portion of Hunter's Road in Richland County, South Carolina, to ARAMIDE MITCHELL, as specifically described in the attached quit claim deed, which is incorporated herein.

SECTION II. Severability. If any section, subsection, or clause of this ordinance shall be deemed unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION III. Conflicting Ordinances. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION IV. Effective Date. This ordinance shall be enforced from and _____.

RICHLAND COUNTY COUNCIL

By: _____
Paul Livingston, Chair

Attest this _____ day of _____, 2010.

Michielle R. Cannon-Finch
Clerk of Council

First Reading:
Second Reading:
Public Hearing:
Third reading:

THIS SPACE LEFT BLANK FOR RECORDING PURPOSE

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND) QUIT CLAIM DEED

THIS QUIT-CLAIM DEED, executed this _____ day of _____, 20_____ by Richland County, (hereinafter "Grantor"), to Aramide Mitchell, (hereinafter "Grantee"). (Wherever used herein, the terms "Grantor" and "Grantee" shall include singular and plural, heirs, successors, assigns, legal representatives and corporations wherever the context so permits or requires).

WITNESSETH, that the said Grantor, for and in consideration of the sum of One Dollar (\$1.00), in hand paid by the grantee, the receipt of which is hereby acknowledge, does hereby remise, release, and quit-claim unto the Grantee, their heirs, successors, and assigns, forever, all their right, title, interest, claim and demand which Grantor has in and to the following described lot, piece, or parcel of land, situate, lying and being in the County of Richland, State of South Carolina, to wit:

All that certain piece, parcel or lot of land, situate, lying and being in the County of Richland, State of South Carolina, and being that portion of roadway shown as Hunters Road on a plat known as Quail Creek Subdivision, Phase 2B-Section 1, and recorded in the ROD of Richland County in Plat Book 50 at Page 8460 Revised, and having the following metes and bounds: The Point of Beginning being at the South corner of property and going N63° 39'38"W for a distance of 131.22 feet , then N28° 22'24"E for a distance of 33 feet, then S63° 39'38"E for 130.87 feet then S 27° 41' 46"W for 33 feet to the Point of Beginning.

Derivation: This being a portion of that track deeded to Richland County by Quail Creek II General Partners on September 28, 1987 and recorded in the ROD of Richland County in Deed Book D0859 at Page 0972.

TO HAVE AND TO HOLD the same together with all and singular the rights, members, hereditaments and appurtenances to the premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular the remises before mentioned unto the said Grantee, their heirs, successors and assigns forever so that neither the said Grantors nor their heirs successors, or assigns nor any other person or persons, claiming under their heirs, successors, or assigns, predecessors, or them, shall at any time hereafter, by any way or means, have claim or demand any right or title to the aforesaid premises or appurtenances, or any part of parcel thereof, forever.

WITNESS my hands and seals this _____ day of _____, 20_____

THIS

SPACE

LEFT

BLANK

WITNESSES:GRANTOR

(Witness #1)

By _____
Its: Chairman, Richland County Council

(Witness #2/Notary)

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

**PROBATE
(Grantor)**

Personally appeared before me _____ and
(Name of Witness #1)
made oath that (s)he saw the within named _____

Execute, seal and as its act and deed, deliver the within Assignment and that (s)he with

_____ witnessed the execution thereof
(Name of Witness #2/Notary

Signature of Witness #1

Sworn to before me this _____

day of _____, 20__

Notary Public for South Carolina

MCE _____

Richland County Council Request of Action

Subject

Proposed Ordinance for Emergency Planning **[PAGES 36-39]** **[FIRST READING]** *[Forwarded from the D&S Committee]*

Notes

December 21, 2010 - The committee recommended that Council approve the request to create an ordinance to require approval of an evacuation plan before the issuance of a building permit for projects located in the Emergency Planning Zone and employing or housing more than 100 people on a regular basis. The vote in favor was unanimous.

Richland County Council Request of Action

Subject: Proposed Ordinance for Emergency Planning (ESD 012010)

A. Purpose

At the November 9, 2010, County Council meeting, Councilman Malinowski made a motion referencing emergency planning requirements. The motion is: “Any entity having a location in Richland County that will employ or house more than 100 persons in a facility on a regular basis and lies within the nuclear evacuation zone is required to submit an evacuation plan that must be approved prior to issuance of any building permit.” County Council’s approval is required to begin the process of enacting a new ordinance. The motion was sent to the Emergency Services Department to prepare the council report.

B. Background / Discussion

The V.C. Summer Nuclear Plant located in Fairfield County, creates an Emergency Planning Zone (EPZ) requirement in Richland County. In conjunction with SCE&G, Richland County is required to maintain emergency planning programs in the area of the EPZ. The EPZ is primarily located in the northwest portion of Richland County and includes farms, residential and business properties. As more structures are built in this area, additional emergency planning is needed and the ability to fulfill emergency planning requirements becomes more challenging. Richland County is required by federal energy and nuclear regulatory agencies, FEMA and the South Carolina Emergency Management Division to successfully demonstrate the ability to alert, evacuate and care for people within the EPZ should an emergency occur at the plant. Richland County is tested on this requirement every two years. In addition, SCE&G has applied for permits to build two additional reactors on the current site which will increase planning and exercise requirements. Having large entities plan for emergencies in the initial stages of site planning and construction will assist Richland County in meeting emergency planning requirements and help in the orderly and rapid evacuation of the EPZ. Failure to adequately plan for, and demonstrate the ability to respond to all plant emergencies could result in the suspension of the operating license of the plant.

C. Financial Impact

The Richland County Emergency Services Department is tasked with the requirement to oversee emergency planning and exercises for the V.C. Summer Nuclear Plant. As more construction takes place in this mostly rural area of the county, a larger requirement will be placed on Richland County. While there is not a direct financial impact, more staff time will be required for reviewing plans and additional resources will be needed to exercise the emergency plans every two years. Emergency Services will review plans submitted under the new ordinance at the same time the Building Department reviews site and construction plans to reduce the possibility of a delay in the issuance of a building permit.

D. Alternatives

- 1. Approve the request to create an ordinance to require approval of an evacuation plan before the issuance of a building permit for projects located in the EPZ and employing or housing more than 100 people on a regular basis.
- 2. Do not approve the request to require approval of an emergency plan.
- 3. Change the requirement parameters: Examples – Changing the requirement to withholding the Certificate of Occupancy until the plan is approved or increase threshold number of employees to 200, etc.

E. Recommendation

It is council’s discretion to approve the motion to require any entity having a location in Richland County that will employ or house more than 100 persons in a facility on a regular basis and lies within the nuclear evacuation zone be required to submit an evacuation plan that must be approved prior to issuance of any building permit.

Motion By: Councilmember Malinowski

Report by: Michael A. Byrd Department: Emergency Services Date: November 19, 2010

F. Reviews

(Please *SIGN* your name, ✓ the appropriate box, and support your recommendation before routing. Thank you!)

Finance

Reviewed by: Daniel Driggers Date: 12/1/10
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: Council discretion

Emergency Services Department

Reviewed by: Michael Byrd Date: 12/15/10
✓ Recommend Council approval Recommend Council denial
Comments regarding recommendation:

Building Department

Reviewed by: Donny Phipps Date: 12/15/10
✓ Recommend Council approval Recommend Council denial
Comments regarding recommendation:

Legal

Reviewed by: Larry Smith Date:
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: Council discretion

Administration

Reviewed by: Tony McDonald Date: 12/15/10
✓ Recommend Council approval Recommend Council denial
Comments regarding recommendation:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-11HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS; ARTICLE II, ADMINISTRATION; DIVISION 3, PERMITS, INSPECTION AND CERTIFICATE OF APPROVAL; SECTION 6-43, PERMITS REQUIRED/EXCEPTION; SO AS TO ADD A NEW PARAGRAPH TO REQUIRE AN EVACUATION PLAN FOR CERTAIN ENTITIES WITHIN THE "EMERGENCY PLANNING ZONE (EPZ)" OF THE V.C. SUMMER NUCLEAR PLANT, WHICH IS LOCATED IN FAIRFIELD COUNTY.

Pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, BE IT ENACTED BY THE COUNTY COUNCIL FOR RICHLAND COUNTY:

SECTION I. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 3, Permits, Inspection and Certificate of Approval; Section 6-43; is hereby amended by the addition of a new paragraph, to read as follows:

(d) Any entity having a location in Richland County that will employ or house more than one hundred (100) persons in a facility on a regular basis and lies within the "Emergency Planning Zone" (EPZ) of the V.C. Summer Nuclear Plant (which is located in Fairfield County), must submit an evacuation plan with the Richland County Emergency Services Department. Such evacuation plan must be approved prior to the issuance of any building permit.

SECTION II. Severability. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION III. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION IV. Effective Date. This ordinance shall be effective from and after _____, 2011.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE ____ DAY

OF _____, 2010

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

Approved As To LEGAL Form Only
No Opinion Rendered As To Content

First Reading:
Second Reading:
Public Hearing:
Third Reading:

Richland County Council Request of Action

Subject

Automatic Vehicle Locations Systems-Sheriff's Department [**PAGES 41-42**] [**TO TABLE**] [*Forwarded from the A&F Committee*]

Notes

December 21, 2010 - The committee recommended that Council table this item. The vote in favor was unanimous.

Richland County Council Request of Action

Subject: Automatic Vehicle Locations Systems

A. Purpose

County Council is being requested to approve a proposal of \$300,000.00 that was not included in the Sheriff's Budget Request for 2010-2011. This amount will be for the down payment. We will also need approval for lease payments of \$99,039.33 (total of \$297,117.99) to be made for three consecutive years starting in 2011 and ending in 2013.

B. Background / Discussion

The Richland County Sheriff's Department is requesting approval to expend these funds to purchase an Automatic Vehicle Locations Systems. This need has been evolving starting from the beginning of the talks for the new Computer Aided Dispatch system over 5 years ago. Fire, EMS and CPD have already implemented AVL systems in their emergency response vehicles.

C. Financial Impact

2011 Sheriff Down payment (to be made in 2010)	Costs \$300,000.00
Payments to be made: \$99,039.93 September 15, 2011 \$99,039.93 September 15, 2012 \$99,039.93 September 15, 2013	\$297,117.99
Total Request	\$597,117.99

D. Alternatives

1. Approve the request to fund the purchase of these systems to enable 911 Dispatchers to instantly and automatically locate and dispatch the closest emergency vehicle to any call for service. Other units on the road will be able to quickly and accurately locate fellow officer's vehicles in the event of an emergency. Commanders in the field will be able to constantly check on unit movement to more effectively deploy manpower.
2. Do not approve, RCSD will continue to operate without the benefit of instant and automatic location dispatch delaying response to calls for service.

E. Recommendation

It is recommended that Council approve this request to improve response times, increase dispatch efficiency, increase officer safety and track fleet movement.

Recommended by: *Chief Deputy Steve Birnie* Department: *Richland County Sheriff's Department* Date: *December 7, 2010*

Item# 12

Attachment number 1
Page 1 of 2

F. Reviews

(Please **SIGN** your name, ✓ the appropriate box, and support your recommendation before routing. Thank you!)

Finance

Reviewed by: Daniel Driggers

Date: 12/10/10

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommendation is based solely on timing and not the merits of the request. If operationally feasible we would recommend that all capital requests be submitted and considered during the budget process. This would provide the opportunity to establish continuity of funding and a more thorough review of competing requests. Approval as requested will require the identification of funding source and a budget amendment for the initial cost and the recurring lease payment.

Procurement

Reviewed by: Rodolfo Callwood

Date: 12/13/10

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: No comments

Legal

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Council discretion

Administration

Reviewed by: Sparty Hammett

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend that the request be considered during the FY12 budget process.

Richland County Council Request of Action

Subject

Change Order Approval for Landfill Phase 1A Closure Project [PAGES 44-45] [*Forwarded from the A&F Committee*]

Notes

December 21, 2010 - The committee recommended that Council approve a \$40,796 change order for the landfill phase 1A closure project. The vote in favor was unanimous.

Richland County Council Request of Action

Subject: Change order approval for Landfill Phase 1A Closure Project

A. Purpose

"County Council is requested to approve a \$40,796 change order for the landfill phase 1A closure project.

B. Background / Discussion

- On June 1, 2010 Council approved the award of a construction contract for construction of final closure cap on Phase 1A C&D landfill. The contract was awarded to McClam and Associates for the sum of \$443,242.
- During construction of the final cap a change in the closure design plan was recommended by the design engineer, which required additional materials to complete the project. As a result an additional \$40,796.00 in soil and rip rap stone was required to complete the project.

C. Financial Impact

There is no financial impact to budget as shown below:

Original Budgeted amount	\$ 500,000
Contract award amount	\$ -443,242
Change order amount	\$ - 40,769
<hr/>	
Budget remaining balance after change order	\$ 15,989
<hr/>	

D. Alternatives

1. Approve change order request
2. Do not approve change order which could result in uncompleted project and non compliance of DHEC regulations closure schedule.

E. Recommendation

"It is recommended that Council approve the request for the \$40,769 Change order ..."

Recommended by: Department: Date:
Solid Waste Staff Solid Waste Department 11/19/2010

F. Reviews

(Please **SIGN** your name, ✓ the appropriate box, and support your recommendation before routing. Thank you!)

Finance

Reviewed by: Daniel Driggers
✓ Recommend Council approval
Comments regarding recommendation:

Date: 11/29/10
 Recommend Council denial

Procurement

Reviewed by: Rodolfo Callwood
 Recommend Council approval
Comments regarding recommendation:

Date: 11/30/10
 Recommend Council denial

Legal

Reviewed by: Larry Smith
✓ Recommend Council approval
Comments regarding recommendation:

Date:
 Recommend Council denial

Administration

Reviewed by: Tony McDonald
✓ Recommend Council approval
Comments regarding recommendation:

Date: 12/1/10
 Recommend Council denial

Richland County Council Request of Action

Subject

Establish a formal review of financial data [PAGES 47-48] [TO TABLE] *[Forwarded from the A&F Committee]*

Notes

December 21, 2010 - The committee recommended that Council table this item. The vote in favor was unanimous.

Richland County Council Request of Action

Subject: Establish a formal review of financial data

A. Purpose

County Council is requested to approve a formal process for Council to be provided periodic financial updates from staff as requested.

B. Background / Discussion

Currently, the Finance Department produces the following standard financial reports which are available on the County Intranet website for review as desired. There is currently no formal process for an interaction with Council and Staff on financial updates.

Monthly

- **Budget Comparison report** - summary Budget-to-Actual comparisons for all Funds as of the previous month.
- **Accounts Payable Check Register** - The check register is a detailed report that shows an accumulated listing of all checks made payable to vendors within the previous month. The information can be used to review the payments that are made to vendors for purchases and services.
- **Purchasing Card Activity** – The report shows transactional level detail of activity charged on any County purchasing card by department for the previous month.
- **Financial Statements** – This section includes a balance sheet and income statement for all reporting units based on the previous months closing data.

Annually

- **Comprehensive Annual Financial Report (CAFR)** – Audited financial statements for all funds June 30th ending results.
- **Annual Budget Book** – Appropriated budget for current year with multi-year comparative data.
- **Capital Improvement Program (CIP)** – Five year plan of major capital projects.

During the November 9th council meeting, Councilman Malinowski made the following motion for additional financial data:

"I make a motion that the Richland County Utilities Department be required to provide a spending and income general ledger monthly to D&S Committee members for review and that they provide quarterly reports in person to the D & S Committee to show where they stand fiscally for the year."

C. Financial Impact

The incremental financial impact would be the cost of the time investment for preparation and discussion. This would be determined based on the approved process.

D. Alternatives

List the alternatives to the situation. There will always be at least two alternatives:

- 1. Approve the request to establish the recommended reporting structure.
- 2. Do not approve the change

E. Recommendation

This is a policy decision for Council.

Recommended by: Department: Date:

F. Reviews

(Please **SIGN** your name, ✓ the appropriate box, and support your recommendation before routing. Thank you!)

Finance

Reviewed by: Daniel Driggers Date: 12/2/10
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: This is a policy decision for Council. If approved, Finance could provide additional monthly and/or quarterly reporting for discussion.

Legal

Reviewed by: Larry Smith Date:
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: Policy decision of Council

Administration

Reviewed by: Tony McDonald Date: 12/15/10
✓ Recommend Council approval Recommend Council denial
Comments regarding recommendation:

Richland County Council Request of Action

Subject

Ordinance to amend Chapter 6, Building and Building Regulations, regarding language affecting the Building Codes Board of Adjustment **[PAGES 50-54] [FIRST READING] [Forwarded from the A&F Committee]**

Notes

December 21, 2010 - The committee recommended that Council approve an ordinance to amend Chapter 6, Building and Building Regulations, so as to properly empower the Building Code Board of Adjustments to hear appeals under the International Fire Code. The vote in favor was unanimous.

Richland County Council Request for Action

Subject: Ordinance to amend Chapter 6, Building and Building Regulations, regarding language affecting the Building Codes Board of Adjustment.

A. Purpose

County Council is requested to approve an ordinance to amend Chapter 6, Building and Building Regulations; Article II, Administration; Section 6-75, Building Codes Board of Adjustment; so as to properly empower the Board to hear appeals under the International Fire Code.

B. Background / Discussion

The proposed ordinance was drafted to empower the Building Codes Board of Adjustment to hear appeals under the International Fire Code. None of the currently appointed members have the background or experience in dealing with hazardous materials or other fire related issues. The language has now been amended to include alternate members who could participate in a hearing based on the nature of the appeal.

In addition, the ordinance further amends the language to clarify that only appeals of orders, decisions, or determinations that have been made by the Building Official or Fire Official relative to the application and interpretation of the various codes adopted in this Chapter can be heard and that the board would have no authority to waive the requirements of any currently adopted code dealing with existing or proposed structures within Richland County. With that in mind, the ordinance would also rename the Board from “Building Codes Board of Adjustment” to “Building Codes Board of Appeals”.

C. Financial Impact

None.

D. Alternatives

1. Approve the ordinance as presented.
2. Approve an amended ordinance.
3. Do not approve the ordinance.

E. Recommendation

It is recommended that County Council approve the ordinance as presented.

Recommended by: Donny Phipps Department: Building Inspections Date: 11/12/10

F. Approvals

(Please **SIGN** your name, ✓ the appropriate box, and support your recommendation before routing. Thank you!)

Finance

Reviewed by: Daniel Driggers
✓ Recommend Council approval
Comments regarding recommendation:

Date: 12/2/10
 Recommend Council denial

Building and Inspections

Reviewed by: Donny Phipps
✓ Recommend Council approval
Comments regarding recommendation:

Date:
 Recommend Council denial

Planning

Reviewed by: Amelia Linder
Recommend Council approval
Comments regarding recommendation:

Date: 12/2/10
 Recommend Council denial

Legal

Reviewed by: Larry Smith
 Recommend Council approval; Council discretion
denial

Date:
 Recommend Council denial

Comments regarding recommendation: The ordinance could serve as a starting point in the various steps that should be taken in establishing a board of appeals pursuant to the International Building Code (IBC) and International Fire Code (IFC). The Legal Department has independently provided guidance to the principals and stakeholders vis-à-vis the boards of appeal required by the IBC and IFC enforcement, and would suggest that the overall board of appeals establishment and functioning should build upon whatever ordinance may be passed, to include the adoption of rules of procedure [which are described in the proposed amended ordinance subsection 6-75(e)] (i.e., this ordinance, if adopted, should be built upon along the lines of guidance Legal has previously given).

Administration

Reviewed by: Sparty Hammett
✓ Recommend Council approval
Comments regarding recommendation

Date:
 Recommend Council denial

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-11HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS; ARTICLE II, ADMINISTRATION; DIVISION 5. BUILDING CODES BOARD OF ADJUSTMENT; SECTION 6-75, BUILDING CODES BOARD OF ADJUSTMENT; SO AS TO EMPOWER THE BOARD TO HEAR APPEALS UNDER THE INTERNATIONAL FIRE CODE.

Pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, BE IT ENACTED BY THE COUNTY COUNCIL FOR RICHLAND COUNTY:

SECTION I. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 5. Building Codes Board of Adjustment; Section 6-75, Building Codes Board of Adjustment; is hereby amended to read as follows:

Sec. 6-75. Building codes board of adjustments appeals.

(a) *Establishment.* The building codes board of adjustment appeals is hereby established and shall consist of seven (7) members. Such board shall consist of one (1) architect, one (1) engineer, ~~and~~ one (1) contractor, ~~and~~ one (1) alternate member from each of the building, electrical, gas and plumbing industries, ~~and three (3) alternate members from the fire protection industry.~~ All members shall be residents of the county. All members shall be appointed by the council and serve without compensation. Based on the nature of the pending appeal(s), the Building Official shall select four (4) of the alternate members to serve on the board for any scheduled meeting and shall take into consideration the expertise offered by said member in making such selections.

(b) *Term of office.* All appointments shall be for three (3) year terms. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made.

(c) *Quorum.* For any scheduled meeting, ~~Four (4) members of the board shall constitute a quorum. In varying the application of any provisions of this chapter or in modifying an order of the Building Official or Fire Official management director,~~ affirmative votes of the majority present, but not less than three (3) affirmative votes, shall be required. No board member shall act in a case in which he or she has a personal interest.

(d) *Records.* The ~~director~~ Building Official or Fire Official, or their designee, shall act as secretary of the board of adjustment appeals and shall make a detailed record of all its proceedings, which shall set forth the reasons for its decisions, the vote of each member participating therein, the absence of a member, and any failure of a member to vote.

(e) *Procedures.* The board shall establish rules and regulations for its own procedures not inconsistent with the provisions of this chapter. The board shall meet at regular intervals, to be determined by the chairman, or in any event, the board shall meet within ten (10) days after notice of appeal is received from the ~~director~~ Building Official or Fire Official.

(f) *Variations and modifications.*

- (1) The board of ~~adjustment~~ appeals shall hear and decide appeals of orders, decisions, or determinations made by the Building Official or Fire Official relative to the application and interpretation of the various codes adopted in this Chapter, ~~when so appealed to~~ and after a hearing, may modify or reverse ~~vary the application of any provision of this chapter to any particular case when, in its opinion, the enforcement thereof would do manifest injustice, and would be contrary to the spirit and purpose of this chapter or public interest, or when, in its opinion, the interpretation of the director~~ said Building Official or Fire Official should be modified or reversed.
- (2) A decision of the board of ~~adjustment~~ appeals ~~to vary the application of any provision of this chapter or to~~ modify an order of the ~~director~~ Building Official or Fire Official shall specify in what manner such variation or modification is made, the conditions upon which it is made and the reason thereof.
- (3) The board shall have no authority to waive the requirements of any currently adopted code dealing with existing or proposed structures within Richland County.

(g) *Decisions.*

- (1) Every decision of the board of ~~adjustment~~ appeals shall be final, subject, however, to such remedy as any aggrieved party might have at law or in equity. It shall be in writing and shall indicate the vote on the decision. Every decision shall be promptly filed in the office of the ~~director~~ Building Official or Fire Official and shall be open to public inspections; a certified copy shall be sent by registered mail or otherwise delivered to the appellant.
- (2) The board of ~~adjustment~~ appeals shall, in every case, reach a decision without unreasonable or unnecessary delay.
- (3) If a decision of the board of ~~adjustment~~ appeals reverses or modifies a refusal, order, or disallowance of the ~~director~~ Building Official or Fire Official, ~~or varies the application of any provision of this chapter~~, the ~~director~~ Building Official or Fire Official shall immediately take action in accordance with such decision.

SECTION II. Severability. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION III. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION IV. Effective Date. This ordinance shall be effective from and after _____, 2011.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE _____ DAY

OF _____, 2011

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

Approved As To LEGAL Form Only
No Opinion Rendered As To Content

First Reading:
Second Reading:
Public Hearing:
Third Reading:

Richland County Council Request of Action

Subject

The Chair of County Council request and schedule a joint meeting with Lexington County officials to consider the feasibility of a collaborative impact fee study for both counties ***[Forwarded from the A&F Committee]***

Notes

December 21, 2010 - The committee recommended that Council direct the Chair of Council to work with Administrative staff to convene a joint meeting with Lexington County officials to consider the feasibility of a collaborative impact fee study for both counties. The vote in favor was unanimous.

Richland County Council Request of Action

Subject

An Ordinance Amending the Fiscal Year 2010-2011 Utilities Fund Annual Budget to appropriate \$75,463 of Utilities Fund Interest for Broad River Capital Project Closeout [**PAGES 57-58**]

Notes

November 23, 2010 - The committee recommended that Council re-encumber \$75,462.25 from the Broad River Capital Project fund balance to close out the previously existing contracts. The vote was in favor.

First Reading: December 7, 2010

Second Reading: December 14, 2010

Third Reading:

Public Hearing:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. __-11HR

AN ORDINANCE AMENDING THE FISCAL YEAR 2010-2011 UTILITIES
FUND ANNUAL BUDGET TO APPROPRIATE \$75,463 OF UTILITIES FUND
INTEREST FOR BROAD RIVER CAPITAL PROJECT CLOSEOUT.

Pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, BE IT ENACTED BY THE COUNTY COUNCIL FOR RICHLAND COUNTY:

SECTION I. That the amount of seventy five thousand four hundred sixty three dollars (\$75,463) be appropriated to FY 2010-2011 Utilities Fund. Therefore, the Fiscal Year 2010-2011 Utilities Fund Annual Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2010 as amended:	\$ 6,793,404
Appropriation of Utilities Fund Interest	<u>75,463</u>
Total Utilities Fund Revenue as Amended:	\$ 6,868,867

EXPENDITURES

Expenditures appropriated July 1, 2010 as amended:	\$ 6,793,404
Increase to Utilities Fund	<u>75,463</u>
Total Utilities Fund Expenditures as Amended:	\$ 6,868,867

SECTION II. Severability. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION III. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION IV. Effective Date. This ordinance shall be enforced from and after _____, 2010.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE ____ DAY

OF _____, 2010

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

Approved As To LEGAL Form Only.
No Opinion Rendered As To Content.

First Reading:
Second Reading:
Public Hearing:
Third Reading:

Richland County Council Request of Action

Subject

An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article III, Building Codes; so as to provide regulations for boarded-up structures **[PAGES 60-64]**

Notes

November 23, 2010 - The committee recommended that Council delete Section 13 (Establishment of Regulations for Boarded-Up Structures) from the proposed Unsafe Housing procedures and amend the Richland County Code of Ordinances to provide regulations for Boarded-Up structures. The vote in favor was unanimous.

First Reading: December 7, 2010
Second Reading: December 14, 2010
Third Reading:
Public Hearing:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-11HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS; ARTICLE III, BUILDING CODES; SO AS TO PROVIDE REGULATIONS FOR BOARDED-UP STRUCTURES.

Pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, BE IT ENACTED BY THE COUNTY COUNCIL FOR RICHLAND COUNTY:

SECTION I. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article III, Building Codes; is hereby amended by the creation of a new section to read as follows:

Sec. 6-84. Boarded-up structures.

- (a) Purpose. The purpose of this section is to promote the health, safety and welfare of the citizens of the county by establishing regulations for boarded-up structures in order to prevent their detrimental effects in the county's neighborhoods.
- (b) Authority. The Housing Official or designee(s) shall be responsible for the administration and enforcement of the provisions of this section.
- (c) Registration.
- (1) Any person or owner that intends to board up a structure or residential structure shall comply with subsection (d) Covering of any means of egress and ingress of structures (see below).
 - (2) An application for registration must be made by the owner of the boarded up structure or residential structure on a form prescribed by the building department, and submitted to the division. The completed registration form shall contain at a minimum the following information:
 - a. The full name and mailing address of the owner;
 - b. The full address and tax parcel number of the residential structure to be boarded;
 - c. Telephone number at which the owner may be reached;
 - d. If the owner is a partnership or corporation, the owner shall designate one of its general partners or officers to act as its agent and provide the

present residence and business addresses and telephone numbers for the agent;

e. The owner's plan for the occupancy, repair or demolition of the structure or residential structure;

f. The owner's plan for regular maintenance during the period the structure or residential structure is boarded-up; and

g. Such other information as the department shall from time to time deem necessary.

(3) The owner, under this section, shall have a continuing duty to promptly supplement registration information required by this section in the event that said information changes in any way from what is stated on the original registration.

(4) Registration of a boarded up residential structure does not excuse the owner from compliance with any other applicable ordinance, regulation, or statute, including, without limitation, Chapter 6. By accepting an owner's registration, the Building Department has not determined that the residential structure being registered is in compliance with any applicable local or state regulation or law.

(d) *Covering of any means of egress and ingress of structures.*

(1) It shall be unlawful for any person to cover any means of egress or ingress of a structure so as to secure the structure without first obtaining a permit to do so from the Building Codes and Inspections Department. The permit fee shall be \$25.00 for residential buildings and \$50.00 for mixed-use and commercial buildings. The permit shall authorize the owner to board the structure in conformance with the "National Arson Prevention Initiative" Board-Up Procedures. No later than five (5) days after boarding the property, the owner shall register the structure with the Unsafe Housing Division.

(2) All boarded material shall be painted so as to match either the dominant color of the exterior of the structure or the color of the trim of the building, if any.

(3) Permits issued pursuant to this section shall be valid for no more than ten (10) days.

(4) Upon issuance of a permit pursuant to this section, the Housing Official shall list the property on the "Boarded-up Structure Inventory".

(5) Notwithstanding any other provision hereunder, it shall be a violation for any person to cover, for a period in excess of one hundred eighty (180) days, any

means of egress or ingress of any structure that is not in compliance with the International Property Maintenance Code or other applicable codes adopted.

(6) Notwithstanding any other provision hereunder, it shall be a violation for any person to cover any means of egress or ingress of any structure with any material other than materials conforming to the International Residential Code.

(e) Requirements; time limit.

(1) An owner who registers a boarded up structure or residential structure pursuant to subsection (c), above, must comply with the guidelines for boarding up structures established in subsection (d), above.

(2) An owner's registration of a boarded up residential structure shall expire one hundred eighty (180) days from the date of registration with the department and may not be renewed unless approved by the Housing Official or designee(s).

(f) Inventory of improperly boarded structures; notification of owners.

(1) Not less than every sixty (60) days following the adoption of these Procedures, the Housing Official shall update the "Boarded-up Structure Inventory," and shall cause notice of these Procedures and the property owner's obligation to comply with the same, to be mailed by first class certified mail, return receipt requested, to all property owners whose structure is added to the inventory.

(2) In the event an owner of a structure that appears on the "Boarded-up Structure Inventory" cannot be located so as to notify the owner of these Procedures, service of notice by publication in the same manner as prescribed by the South Carolina Rules of Civil Procedure is authorized.

(g) Violations.

(1) It shall be unlawful for the owner of a boarded up structure or residential structure to fail to register such structure with the department as required by subsection (c), above, except as otherwise provided herein.

(2) It shall be unlawful for an owner who has registered a boarded up residential structure to leave the structure boarded up after the expiration of the registration as set forth in subsection (e), above.

(3) It shall be unlawful for an owner to board up a structure or residential structure in a manner that does not comply with this section unless the owner

has obtained the Housing Official’s prior written approval for an alternative method of boarding up a structure or residential structure.

(h) Notification of violation.

(1) The Housing Official shall, on the expiration of one hundred eighty (180) days following the listing of a structure on the "Boarded-up Structure Inventory", give the owner notice of violation of this Section. Such notice shall state that the owner must within thirty (30) days of the notice, remove the non-conforming materials from any means of egress or ingress and replace the same with conforming materials which conform to the International Building Code and that the structure is in compliance with the International Property Maintenance Code.

(2) Every day of noncompliance shall constitute a separate violation. The covering of any means of egress or ingress as provided under the provisions of this chapter does not stay enforcement of, or compliance with, any orders or notices by the Building Official or designee(s) or relieve any person or owner from complying with all other applicable local and state laws affecting structures and premises.

(3) Permits shall be obtained by a licensed contractor to abate the residential structure either through repair or demolition as required by Richland County ordinance and South Carolina rules and regulations.

(i) Manufactured homes. Manufactured homes shall only be occupied as a residential structure as set forth by HUD Regulations. All vacant or abandoned manufactured homes shall be in compliance with HUD regulations, the International Property Maintenance Code, and this Chapter. Any repairs shall be made as set forth by HUD Regulations.

Secs. 6-85–6-95. Reserved.

SECTION II. Severability. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION III. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION IV. Effective Date. This ordinance shall be effective from and after _____, 2011.

RICHLAND COUNTY COUNCIL

BY: _____

DRAFT

Paul Livingston, Chair

ATTEST THIS THE _____ DAY

OF _____, 2011

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

Approved As To LEGAL Form Only
No Opinion Rendered As To Content

First Reading: December 7, 2010
Second Reading: December 14, 2010
Public Hearing: January 4, 2011 (tentative)
Third Reading: January 4, 2011 (tentative)

Item# 18

Attachment number 1
Page 5 of 5

Richland County Council Request of Action

Subject

Update on negotiations for property purchase on the Northern Boundary of the C&D County Landfill **[PAGES 66-67]**
[Forwarded from the A&F Committee]

Notes

December 21, 2010 - The committee forwarded this item without a recommendation to Council; in addition, the committee recommended that Council have an executive session to discuss this matter during the January 4th Council meeting. The vote in favor was unanimous.

Richland County Council Request of Action

Subject: Update on negotiations for property purchase on the Northern Boundary of the C&D County Landfill

A. Purpose:

"To update County Council on status of negotiations between the heirs of the adjacent property and County staff for the purchase of 57 acres of property located on the northern boundary of the C&D County Landfill."

B. Background / Discussion

- In approximately 2004 it was determined that the County landfill should purchase the adjacent northern boundary property for the purpose of expansion, additional cover material.
- Purchasing the adjacent property would also allow the landfill to extend our monitoring on that side of the landfill.
- During the last few years' County staff has met with the property owners heirs in an effort to negotiate for the purchase of the property based on appraised value and all attempts have failed.
- In mid-2009 County Staff and the heirs of the property met at an independent mediator's facility to discuss the purchase of the property. No resolution was reached and the mediation process was declared an impasse.
- In early 2010 County Staff and legal counsel again sent an offer for the purchase of the property to the owner's legal counsel and it was again refused.
- Installing monitoring wells on that side of the county landfill property as been suggested by DHEC to meet the new C&D monitoring regulations that become effective January 01,2010.

C. Financial Impact

Funds have been budgeted for the purchase of the property at its appraised value as well as funds for legal actions necessary for obtaining the property. There is no financial impact associated with this request.

D. Alternatives

1. Approve the request to move forward with the condemnation action for the 57 acres of property ...
2. Do not approve action, which will result in the continued cost of legal fees, engineering fees, temporary repairs and possible DHEC intervention resulting in fines.

E. Recommendation

"It is recommended that Council approve the request to move forward with the condemnation process of the 57 acres of property..."

Recommended by: *Solid Waste Staff* Department: *Solid Waste Department* Date: *12/07/2010*

F. Reviews

(Please **SIGN** your name, ✓ the appropriate box, and support your recommendation before routing. Thank you!)

Finance

Reviewed by: Daniel Driggers Date: 12/08/10
✓ Recommend Council approval Recommend Council denial
Comments regarding recommendation: Funds are available as stated.
Recommendation is based only on funding availability.

Procurement

Reviewed by: Rodolfo Callwood Date:12/13/10
 Recommend Council approval Recommend Council denial
Comments regarding recommendation:

Legal

Reviewed by: Larry Smith Date:
✓ Recommend Council approval Recommend Council denial
Comments regarding recommendation: The property is currently the subject of pending litigation. All efforts to resolve this matter have failed. Allowing the county to go forward with the condemnation process hopefully will bring the litigation to a conclusion.

Administration

Reviewed by: Tony McDonald Date: 12/14/10
✓ Recommend Council approval Recommend Council denial
Comments regarding recommendation:

Richland County Council Request of Action

Subject

The Unsafe Housing Procedures [**PAGES 69-74**]

Department of Building Codes and Inspections

Unsafe Housing Procedures

SECTION 1. PURPOSE

The following policies and procedures are implemented for the Unsafe Housing Abatement Program and for the enforcement of the current adopted edition of the International Property Maintenance Code and the County's Building Ordinances contained in Chapter 6 (Buildings and Building Regulations) of this code.

SECTION 2. POLICY

It is the policy of the County's Unsafe Housing Abatement Program to seek voluntary compliance with these provisions, but to provide an effective means of enforcement if such compliance is not obtained.

SECTION 3. DEFINITIONS

For the purpose of these procedures, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Affected department" means whichever of the following County departments have the responsibility to administer or enforce the applicable provisions of this code: Building Codes and Inspections, Fire Marshal, Planning, Public Works, or Sheriff's Department.

"Board up" means the boarding up of any means of egress and ingress, including, without limitation, windows and doors, to a structure or unoccupied residential structure.

"Code enforcement officer" means any person employed by the County and appointed to the position of code enforcement officer, as established by resolutions duly adopted by Richland County Council and assigned to the Unsafe Housing Division.

"Owner" means the holder(s) of the property deed or title in fee simple.

"Premises" means the real property, including any buildings, structures or other improvements situated thereon or affixed thereto, where any violation of any provision of Chapter 6 of the Richland County Code of Ordinances, or any of the building codes adopted therein, has or is suspected to have occurred or is suspected to be occurring. The premises may include public property to which a violator has access.

"Residential structure" means any building, structure, manufactured home or mobile home, or part thereof, intended to be used for human habitation and includes any appurtenances therewith including accessory structures.

"Unoccupied" means a residential structure that is not occupied or that is occupied by unauthorized persons.

"Violator" means an adult owner, tenant, occupant, resident or other person having possession, control or any other ownership interest in or the right of access to the

premises, excluding persons having only a security interest in the premises, who is suspected or alleged to have violated or to be in violation of any provision of Chapter 6 of the Richland County Code of Ordinances, or any of the building codes adopted therein. There may be one or more violators as to any particular offense.

SECTION 4. PROCEDURES

A. Basic Standards and Maintenance.

1. The owner of every premise within this County shall be responsible for the basic standards and maintenance thereof in a manner required by the applicable provision of Chapter 6.
2. No building, structure, manufactured home or premises shall exist, or be permitted to exist, in a defective, unsafe, unsecured or unsanitary condition, or without provision for adequate safe egress, or in a condition which constitutes a fire hazard or other danger to human life, or which in relation to existing uses, immediate or in the vicinity, constitutes a hazard to the safety, health, property or welfare of the occupant or the public by reason of inadequate maintenance, dilapidation, abandonment, vandalism or deterioration, or in any manner contrary to applicable provisions of Chapter 6, thereby constituting a public nuisance.
3. Whenever it is determined that any of the conditions exist as described above, the powers of the Housing Official or designee(s) may be exercised to repair, close or demolish any such dwelling or other structure in the manner hereinafter provided.

B. Complaint Notice and Order Required.

1. Whenever a complaint or petition is received by the Unsafe Housing Division, charging that any dwelling or other structure is unfit for human habitation, the Code Enforcement Officer shall, if the investigation discloses a basis for such charges, issue and cause to be served upon the owner of, and all parties in interest in, such dwelling or other structure a Complaint Notice of violation in letter form, which shall expressly state that: 1) the person is in violation of such code section of the International Property Maintenance Code as is applicable adopted in Chapter 6; and 2) the violation shall be abated by specified action; and 3) unless such violation is so abated within a specified time, said person may be issued a citation to appear in court for said violation and for failing to comply with said notice. The notice shall include the name and phone number of the departmental employee from who further information may be obtained.
2. Such notice shall also contain information regarding a hearing that will be held before the Housing Official or designee(s) not less than ten (10) days nor more than thirty (30) days after the service of such notice or letter; that the owner and parties in interest shall be given the right to file an answer to the

complaint in letter form and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in such hearings. In the event an emergency arises whereby it appears that human life or safety is involved, the building official or housing official may shorten the notice of hearing to no less than one (1) day with approval of the Director and/or Building Official.

3. After such notice and hearing, if the Housing Official or designee(s) determines that a dwelling or other structure under consideration is unfit for human habitation, it shall be stated in writing, such writing to include the findings of fact in support of such determination; and this writing shall be issued and caused to be served upon the owner of such property in the form of an order. Any person occupying said structure shall be required to vacate the premises.
4. If the repair, alteration, or improvement of the dwelling or other structure can be made at a reasonable cost in relation to the value of the dwelling or other structure, the owner shall be required within the time specified in such order, to repair, alter or improve such dwelling or other structure to render it fit for human habitation or to vacate and close the dwelling or other structure as a human habitation.
5. If the repair, alteration or improvement of the dwelling or other structure cannot be made at a reasonable cost in relation to the value of the dwelling or other structure, the owner then shall be required, within the time specified in the order, to remove or demolish such dwelling.
6. If the violation has not been abated within the specified time stated in the order, a summons shall be issued. Upon conviction of said violation, penalties shall be imposed as found in Section 1-8 of the Richland County Code of Ordinances.

C. Exceptions

Notwithstanding the provisions of section 4.B, above, no notice need be given, and a Code Enforcement Officer may immediately issue a citation, when there is reasonable basis to believe that: 1) the violation constitutes an imminent threat to the health and safety of any person or persons, including that of the alleged violator, or to property; or 2) the violator may not remain in the county or may otherwise be difficult to locate at a later time.

D. Public Nuisance

Any violation that continues in disregard of an Order issued pursuant to section 4.B., above, is declared to be a public nuisance and as such may be abated in the manner prescribed by law.

E. Service of Complaint Notice and Order

A written Complaint Notice and Order hereunder shall be delivered to and/or served upon such persons either personally or by certified mail, but if the whereabouts of such persons are unknown and cannot be ascertained in the exercise of reasonable diligence, the Housing Official shall make an affidavit to that effect. Then the serving of such notice or order upon such persons may be made by publishing it once each week for two (2) consecutive weeks in a newspaper printed and published in this area. A copy of such notice or order shall be posted in a conspicuous place on the premises affected by the notice or order. A copy of such complaint notice or order shall also be filed with the Richland County Clerk of Court and such filing of the notice or Order shall have the same force and effect as other lis pendens notices provided by law.

SECTION 5. POWERS AND DUTIES OF CODE ENFORCEMENT OFFICERS

- A. Enforcement Duties.** Each Code Enforcement Officer shall have the duty to enforce the provisions of Chapter 6 of the Richland County Code of Ordinances.
- B. Right of Entry.** Whenever necessary to enforce any of the provisions of said Chapter 6, or any of the building codes adopted therein, or whenever a Code Enforcement Officer has reasonable cause to believe that there exists in or upon any premises any such violation which makes such premises unsafe, dangerous or hazardous, the code enforcement officer may enter such premises at all reasonable times to inspect the same or to perform any duty imposed upon the Code Enforcement Officer by these procedures; provided, that if such premises be occupied, he or she shall first identify himself or herself as a Richland County Unsafe Housing Code Enforcement Officer and request entry, and if such premises be unoccupied, he or she shall first make a reasonable effort to locate the violator and request entry. If such entry is refused, the Code Enforcement Officer shall have recourse to every remedy provided by law to secure entry.
- C. Issuance of Citations.** Each code enforcement officer is authorized to issue citations for violations of the provisions of Chapter 6, or any of the building codes adopted therein, which they have the duty to enforce.
1. Prior to issuance of a citation, the Code Enforcement Officer shall identify himself or herself as a Richland County Unsafe Housing Code Enforcement Officer. The Code Enforcement Officer shall then request the alleged violator to present his or her driver's license or other satisfactory evidence of his or her identity for examination, and the alleged violator shall comply.
 2. The citation shall include the Code section that violated, and state a time and date and place at which the alleged violator shall appear in court to answer the charges stated in the citation. The appearance date shall be at least eighteen (18) days after the date of the citation.

D. Refusal to sign citation. The Code Enforcement Officer shall not take or attempt to take anyone into custody for refusing to present satisfactory evidence of his or her identity or for refusing to sign a citation. In such cases, the code enforcement officer may file the citation with the appropriate court as a complaint and may request the assistance of the Richland County Sheriff's Department, or may request the County attorney to prepare and file a complaint with the appropriate court.

SECTION 6. FOLLOW-UP INSPECTIONS

Following the conviction of any violator in court, a Code Enforcement Officer shall make such follow-up inspections as necessary to determine that the violation has been abated and may issue such additional citations as are necessary to gain compliance with the applicable provisions of Chapter 6 of the Richland County Code of Ordinances, or any of the building codes adopted therein.

SECTION 7. CANCELLATION OF NOTICES

Upon all work being completed to abate the violation and upon approval of the Code Enforcement Officer, the Code Enforcement Officer shall file a Cancellation of Notice, Order or Lis Pendens, with the Richland County Clerk of Court.

SECTION 8. REFUSAL TO ISSUE PERMIT, LICENSES OR OTHER ENTITLEMENT

A. Refusal to Issue; Waiver

1. Upon notification by an Unsafe Housing Code Enforcement Officer that violations exist, all departments and employees shall refuse to issue permits or licenses or entitlements involving the premises except those necessary to abate such violation.

SECTION 9. COUNTY TO REMOVE OR DEMOLISH A STRUCTURE

If the owner fails to comply with the Order to repair, alter or improve, or to vacate and close the dwelling or other structure, the housing official or designee(s) may cause such dwelling or other structure to be to be vacated, removed or demolished. The housing official or designee(s) shall cause to be posted on each entrance of any dwelling or other structure so closed, a placard with the following words: "This property/structure has been declared unsafe and unfit for human occupancy; the use or occupancy of this structure for human habitation is prohibited and unlawful."

SECTION 10. REMOVAL AUTHORITY OF COUNTY.

If such owner fails to comply with the Order to remove or demolish the dwelling, the building official, or other authorized representative, may cause such dwelling or other structure to be removed or demolished forthrightly.

SECTION 11. COSTS; LIEN UPON PROPERTY.

The amount of the cost of such vacating and closing, or removal or demolition, by the County shall be a lien against the real property upon which the cost was incurred, and such lien shall be recorded at the Richland County Register of Deeds.

SECTION 12. NUISANCE ABATEMENT POWER OF COUNTY.

- A. These Procedures shall not be construed in any way to impair or limit any and all powers of the County to define and declare nuisances and/or to cause their removal or abatement by summary proceedings or otherwise.
- B. The decision of what action to take with regard to such structure, upon failure of the owner to comply with the order/notice, shall rest solely with the County.
- C. A copy of the lien shall be forwarded to the County Finance Department. A statement for the cost(s) shall be mailed or personally served upon the owner or occupant, firm, or corporation, as the case may be, specifying that payment thereof shall be due within (20) days thereof. Upon failure of the owner or occupant to remit payment of such bill or statement within the prescribed time, the lien shall become collectable as prescribed by Richland County Policy.

Richland County Council Request of Action

Subject

Must Pertain to Items Not on the Agenda