

RICHLAND COUNTY COUNCIL

SOUTH CAROLINA

ORDINANCE REVIEW AD HOC COMMITTEE

February 23, 2016
3:00 PM
Administration Conference Room

1. Call to Order
2. Approval of Minutes: November 17, 2015 [PAGES 3-7]
3. Adoption of Agenda
4. Election of Chair
5. Amending Chapter 17 to prohibit the parking of motor vehicles in front yard within certain residential zoning districts [PAGES 8-11]
6. An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-152, Special Exceptions; Subsection (d), Standards; Paragraph (22), Radio, Television and Other Transmitting Towers; Subparagraph c.; Clause 1; so as to amend the setback requirements for towers abutting residentially zoned parcels [RUSH] [PAGES 12-13]
7. Motion that amends Richland County Code of Ordinances to provide that no person shall leave or confine an animal in any unattended motor vehicle under conditions that endanger the health or well-being of an animal due to heat, cold, lack of adequate ventilation, or lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal. Allow that unless the animal suffers great bodily injury, a first conviction for violation of this section is punishable by a fine not exceeding one hundred dollars (\$100) per animal. If the animal suffers great bodily injury, a violation of this section is punishable by a fine not exceeding five hundred dollars (\$500), imprisonment in a county jail not exceeding six months, or by both a fine and imprisonment. Any subsequent violation of this section, regardless of injury to the animal, is also punishable by a fine not exceeding five hundred dollars (\$500), imprisonment in a



Committee Members

Julie-Ann Dixon, Chair
District Nine

Bill Malinowski
District One

Seth Rose
District Five



county jail not exceeding six months, or by both a fine and imprisonment.

To allow a law enforcement officer or an animal control officer to remove an animal from a motor vehicle if the animal's safety appears to be in immediate danger from heat, cold, lack of adequate ventilation, lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal.

A law enforcement officer or animal control officer who removes an animal from a motor vehicle shall take it to an animal shelter or other place of safekeeping or, if the officer deems necessary, to a veterinary hospital for treatment.

A law enforcement officer or animal control officer is authorized to take all steps that are reasonably necessary for the removal of an animal from a motor vehicle, including, but not limited to, breaking into the motor vehicle, after a reasonable effort to locate the owner or other person responsible.

A law enforcement officer or animal control officer who removes an animal from a motor vehicle shall, in a secure and conspicuous location on or within the motor vehicle, leave written notice bearing his or her name and office, and the address of the location where the animal can be claimed. The animal may be claimed by the owner only after payment of all charges that have accrued for the maintenance, care, medical treatment, or impoundment of the animal.

This section does not affect in any way existing liabilities or immunities in current law, or create any new immunities or liabilities. [MANNING]

8. Adjournment



ORDINANCE REVIEW AD HOC COMMITTEE

November 17, 2015
2:00 PM
4th Floor Conference Room

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

CALL TO ORDER

Ms. Dixon called the meeting to order at approximately 2:06 PM

Mr. Malinowski moved, seconded by Ms. Dixon, to have the minutes from the previous meeting included in the agenda packet for approval in the future. The Legal Department will draft language to cover the minutes that were not approved from the previous meetings. The vote in favor was unanimous.

An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VII, General Development, Site and Performance Standards; Section 26-173, Off-Street Parking Standards; Subsection (F), Parking of Recreational Vehicles, Boats, and Travel Trailers; so as to add utility trailers

Ms. Dixon stated the proposed ordinance language is as follows: "shall be permitted to be parked on any lot".

Ms. Dixon inquired if the parking on the side of the house is allowed.

Ms. McLean stated parking would be allowed on the side of the house.

Mr. Malinowski moved, seconded by Ms. Dixon, to approve the proposed ordinance.

Mr. Price stated currently the way the code is written you cannot park within the setbacks, which typically means outside of 25 ft. of the front yard property line and 5ft of the side yard property line. The proposed ordinance would remove those restrictions and allow parking on all parts of your property.

Ms. Dixon gave an example of parking issues in her neighborhood.

Mr. Malinowski stated it the County's responsibility to insure that emergency vehicles can traverse the roads, which may mean changing the development codes so that roads can be made wider or put up signs stating "No Parking on this side of the Street".

Ms. Dixon inquired about the Sheriff's Departments stance on the proposed ordinance.

Committee Members Present

Julie-Ann Dixon, Chair
Bill Malinowski

Others Present:

Geo Price
Amelia Linder
Elizabeth McLean
Daniel Driggers
Warren Harley
Michelle Onley

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Mr. Harley stated he was not sure what their stance was on the proposed ordinance.

Mr. Price stated in discussions he has had with the Sheriff's Department regarding parking on the street, he does not believe the Sheriff's Department receives frequent calls where vehicles are impeding the roads in neighborhoods. However, the way the code is written it is designed for cars to be able to traverse not park in the right-of-way.

Mr. Harley stated unless the HOA excludes on street parking, parking is allowed as long as it does not impede traffic.

Mr. Malinowski stated even if the HOA excludes on street parking, how will anyone know unless there are signs in place?

Mr. Harley stated the HOA police their own neighborhoods.

Ms. Linder stated the ordinance will have to go to the Planning Commission before it receives Second Reading.

The committee recommended sending the ordinance to the Planning Commission prior to it going to Council for First Reading.

The vote in favor was unanimous.

Amending Chapter 17 to prohibit the parking of motor vehicles in front yard within certain residential zoning districts [REFERRED FROM D&S COMMITTEE] –

Mr. Malinowski moved, seconded by Ms. Dixon, to forward the proposed ordinance to Council with a recommendation to approve. The vote in favor was unanimous.

In suburbs or subdivision the maximum height for grass should be 12 inches similar to the City of Columbia, Richland County has one of the tallest height in the Midlands of 24 inches [JACKSON] –

Mr. Harley stated Major Cowan expressed concerns regarding the 12 inches and would increase the workload of the Public Works Department. Mr. Harley further reminded the committee the cost for this service cannot be recouped by placing it on the tax bill.

Mr. Malinowski moved, seconded by Ms. Dixon, to forward to Council with a recommendation to maintain the current ordinance.

Mr. Malinowski stated the language in Section I (e) states "...within ten (10) days after such notice has been served or deposited in the United States mail, or posted upon premises, such person shall be deemed guilty of a misdemeanor and subject to the penalty provisions of Section 1-8 of this code." He further stated he did not know what the penalty was, but he would hate to be placed in jail for not cutting the grass.

Ms. McLean stated every violation of an ordinance is a misdemeanor subject to Section 1-8 except the smoking ordinance.

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Mr. Malinowski stated the matter of the misdemeanor is not his main concern; it is the ten (10) after the notice is deposited in the US Mail. It appears that is not giving ample time to comply.

Mr. Price stated the timeframe is really for the person to contact the department. Until the summons is actually written the person cannot be found guilty.

Mr. Malinowski moved, seconded by Ms. Dixon, to amend the number of days in Section I (e) and (f) to thirty (30) days from the date the notice is deposited in the mail. The vote in favor was unanimous.

Mr. Harley reminded the committee this also includes posting of the property.

The vote in favor was unanimous.

Music Festival Commission [REFERRED FROM RULES & APPOINTMENTS COMMITTEE] – Ms. McLean stated Chapter 19 of the County Ordinances that was removed at the November 3rd Council meeting provides for the appointment to the Music Festival by Richland County.

State statute states, “Councils shall provide by ordinance the appointment of all County boards, committees, and commissions.” Therefore, the County has appointment authority to the Music Festival.

Mr. Malinowski moved, seconded by Ms. Dixon, to recommend the Rules and Appointments advertise for the vacancies on the Music Festival Commission. The vote in favor was unanimous.

Motion to name Courtroom 2b in the Judicial Center the Ada Harper James Courtroom [ROSE] – Ms. McLean stated there are two competing factors: political and legal.

Basically, State law states the Clerk of Court holds the keys to the courthouse. She is responsible for opening and closing the courthouse and handing out keys. She decides who is in the building. Case law states she does exactly those things. It does not say she does more, but it does not say she does less either.

The County has an ordinance that says the Council can name buildings and structures. It does not specifically say rooms, but it could be implied. The ordinance could be amended to include rooms.

In regard to this specific item, you have to get pass the potential legal and absolutely political issue of what the Clerk of Court wants.

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Mr. Malinowski inquired if the State statute Ms. McLean was referring to is S. C. Code Ann. Section 14-17-210.

Ms. McLean stated that is the statute she referenced. It states: "Every Clerk shall have charge of the courthouse within his county, open the same when required for public use and at all other times keep it closed. For every night any courthouse shall be kept open the clerk shall be liable to a penalty of five dollars..."

Ms. McLean stated there is an Supreme Court Order that says the Clerk open and closed the courthouse and they get to decide who is in the building (Solicitor's Office and Public Defender are able to be housed in the courthouse).

Mr. Malinowski moved, seconded by Ms. Dixon, out of respect to the elected official, in charge of a particular building, that naming of any interior spaces or rooms of buildings would follow the recommendation of the elected official.

Ms. Dixon inquired if the motion is allowed and if it will be effective.

Ms. McLean stated Council can pass an ordinance to that effect, but there are a fair amount of elected officials that could rename rooms as they so choose.

Mr. Malinowski withdrew his motion.

Ms. McLean recommended if the County wants to name a room or building they receive the recommendation of the elected official.

Mr. Malinowski moved, seconded by Ms. Dixon, if a request is received to name interior rooms of County buildings, the elected official in charge of the building will have their opinion sought, which will weigh heavily in the final outcome of the naming.

Ms. McLean inquired if Mr. Malinowski would like his motion added to the existing ordinance that deals with naming of County buildings.

Mr. Malinowski responded in the affirmative.

Ms. McLean stated another option is to just not name rooms.

Mr. Malinowski withdrew his motion.

Mr. Malinowski moved, seconded by Ms. Dixon, due to the volume of rooms under County authority, the committee recommends not approving this item and amending the current ordinance to further clarify that rooms will not be named. The vote in favor was unanimous.

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ADJOURNMENT

The meeting adjourned at approximately 2:46 PM.

The Minutes were transcribed by Michelle M. Onley, Deputy Clerk of Council



STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-16HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 17, MOTOR VEHICLES AND TRAFFIC; ARTICLE II, GENERAL TRAFFIC AND PARKING REGULATIONS; SECTION 17-10, PARKING IN RESIDENTIAL AND COMMERCIAL ZONES OF THE COUNTY; SO AS TO REGULATE THE PARKING OF MOTOR VEHICLES IN THE FRONT YARD IN CERTAIN RESIDENTIAL ZONING DISTRICTS.

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 17, Motor Vehicles and Traffic; Article II, General Traffic and Parking Regulations; Section 17-10, Parking in Residential Zones of the County; is hereby amended to read as follows:

Section 17-10. Parking in residential and commercial zones of the county.

(a) For the purpose of this section, the following definitions shall apply:

(1) ~~Fitted cover, for the purpose of this section,~~ means a cover that conforms to the basic shape of the vehicle and covers all portions of such vehicle.

(2) Improved surface means that the surface of a parking space is completely paved with concrete, asphalt, or some other like rigid surface, such as pavers or pervious concrete; to be certain, "improved" does not include gravel or crush and run, even when compacted.

~~(23)~~ Motor Vehicle means every vehicle which is self-propelled, except mopeds, and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

~~(34)~~ Semi-trailer means every vehicle, with or without motive power, designed for carrying persons or property and for being drawn by a motor vehicle, and constructed that some part of its weight and that of its load rests upon or is carried by another vehicle; and exceeds a gross weight of 10,000 pounds, or a manufacturer's gross vehicle weight rating (GVWR) of 10,000 pounds.

~~(45)~~ Trailer (other than semi-trailer) means every vehicle, with or without motive power, designed for carrying persons or property and for being drawn by a motor vehicle; and which does not exceed a gross weight of 10,000 pounds, or a manufacturer's gross vehicle weight rating (GVWR) of 10,000 pounds. ~~This definition excludes camping trailers, boat trailers, travel trailers, and~~

~~utility trailers, as such are regulated in the Richland County Land Development Code at Section 26-173 (f).~~

(56) *Truck tractor* means every motor vehicle designed and used primarily for drawing other vehicles, and not so constructed as to carry a load other than a part of the weight of the vehicle and the load drawn.

(b) It shall be unlawful for a truck tractor, a semi-trailer, or a trailer to be parked on any public street, road, right-of-way or as otherwise prohibited by the Richland County Code of Ordinances in the unincorporated portions of the county which are or hereafter shall be designated as Rural Residential, Single-Family Residential, Manufactured Home, or General Residential under the Richland County Zoning Ordinance and the “Zoning Map of Unincorporated Richland County”, as amended.

(c) Except as is provided in subsection (d), below, it shall be unlawful for any truck tractor, semi-trailer or trailer to be parked, stored or located on a lot in any residential zoning district in the unincorporated areas of the county [except for those parcels that are one (1) acre or greater in the (RU) Rural zoning district] unless the entire portion of such truck tractor, semi-trailer or trailer is parked, stored or located in an enclosed garage or in a carport at the residence, or is enclosed under a fitted cover.

(d) Notwithstanding subsections (b) and (c), above, truck tractors, semi-trailers or trailers that are in active use in the provision of a service or delivery or removal of property or material at or from a residence in a residential zoning district may park on the public street, road, right-of-way or lot at which the service is being provided or the delivery or removal is being made, for only the duration of the service provision or delivery or removal as provided for herein. For purposes of this section, “active loading or unloading” shall include, but not be limited to, the delivery or removal of furniture, yard trash or debris, household or building materials, tangible personal property and the like, evidenced by the active involvement (e.g., the loading, unloading, service provision or supervision thereof) of the owner, operator, delivery personnel, service provider, or other person responsible for parking or causing to be parked the truck tractor, semi-trailer or trailer while the truck tractor, semi-trailer or trailer is parked on the public street, road, right-of-way or lot subject to this section. For purposes of this section, “active loading and unloading” does not include parking or “staging” a truck tractor, semi-trailer or trailer, leaving the same unattended and then engaging in loading, unloading, removal or service provision at a subsequent point beyond twenty-four (24) hours.

(e) It shall be unlawful for a motor vehicle, or wheeled conveyance of any kind required by law to be licensed that is unlicensed, or is displaying an expired or invalid license to be parked on any public street or road, right-of-way or as otherwise prohibited by the Richland County Code of Ordinances in the unincorporated portions of the county which are or hereafter shall be designated as Rural Residential, Single-Family Residential, Manufactured Home, or Multi-Family Residential under the Richland County Zoning Ordinance and the “Zoning Map of Unincorporated Richland County”, as amended.

(f) All motor vehicles or trailers without a valid state-issued license plate permitting operation on public roads and highways, which are stored, parked, or located on a lot in any zoning district in the unincorporated areas of the county, except for those parcels that are three (3) acres or greater in the (RU) Rural zoning district, are required to be kept in a garage, carport, or protected from the elements by a fitted cover. Licensed automobile dealerships, persons licensed to conduct businesses involving storage and sale of junk and scrap, trailers utilized as temporary structures in conjunction with construction activities, and vehicles used in agricultural operations and which are not operated on the public roads and highways are exempt.

(g) Any motor vehicle or trailer that is not capable of operating in accordance with South Carolina law or, in the case of a motor vehicle, not capable of moving under its own power (even if it has a valid state-issued license plate permitting operation on public roads and highways) shall not be stored, parked, or located on a lot in any residential or commercial zoning district in the unincorporated areas of the county (except for those parcels that are three (3) acres or greater in the (RU) Rural zoning district) for more than forty-five (45) consecutive days unless it is kept in an enclosed garage, in a carport, or protected from the elements by a fitted cover.

(h) All motor vehicles parked within the front yard or secondary front yard (corner lots) of any property zoned RS-LD, RS-MD, or RS-HD must be parked on an improved surface. Provided, however, motor vehicles may be parked on the grass of the front yard or secondary front yard on a temporary basis if the homeowner is hosting a special event and there is not enough parking available on the street.

(~~h~~i) *Penalties:* Upon a finding by a deputy sheriff of a violation, any offender shall have an opportunity to cure the violation within a prescribed period of time; provided that the period of time allowed shall not begin to run until notice of the violation is provided to the offender. Notice shall be sufficient if provided by personal contact directly with the offender or by talking on the telephone with the offender, by the offender having accepted written notice by certified mail, or by placement of a notice of violation on the vehicle, motor vehicle, truck tractor, semi-trailer, or trailer. If the offender, resident, owner of the vehicle, motor vehicle, truck tractor, semi-trailer, or trailer or owner of the real property on which the violation occurred fails to take proper corrective action, in the prescribed time, such person shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than five hundred (\$500.00) dollars or imprisoned for not more than thirty (30) days, or both. Each day such violation continues after due notice shall be considered a separate offense. Any owner and/or operator of a vehicle, motor vehicle, truck tractor, semi-trailer, or trailer which is in violation of this section (or if the offender is unable to be located, any owner of land on which the violation occurred), and any person who commits, participates in, assists in, or maintains that violation may each be found guilty of a separate offense and suffer the penalties set forth herein. In the event that an offender has been previously cited for or given notice of a violation of this section, enforcement action may be taken immediately without the requirement of an opportunity to cure the violation.

(i) *Administration and enforcement:* The Sheriff of Richland County shall be authorized to enforce the provisions of this section and to engage a towing service to remove any vehicle parked in violation of these regulations, provided the cost of towing services shall be charged to the registered owner of any vehicle so removed.

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 _____, 2016.

RICHLAND COUNTY COUNCIL

BY: _____
Torrey Rush, Chair

ATTEST THIS THE ____ DAY

OF _____, 2016

S. Monique McDaniels
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: December 1, 2015
Second Reading:
Public Hearing:
Third Reading: