

RICHLAND COUNTY COUNCIL
SOUTH CAROLINA

ORDINANCE REVIEW AD HOC COMMITTEE

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

1. **Call to Order**
2. **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 [PAGES 2-3]**
3. **Amending Chapter 17 to prohibit the parking of motor vehicles in front yard within certain residential zoning districts [REFERRED FROM D&S COMMITTEE] [PAGES 4-7]**
4. **In suburbs or subdivisions 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]**
5. **Music Festival Commission [REFERRED FROM RULES & APPOINTMENTS COMMITTEE] [PAGES 8-10]**
6. **Motion to name Courtroom 2b in the Judicial Center the Ada Harper James Courtroom [ROSE] [PAGES 11-15]**
7. **Adjournment**



Committee Members

Julie-Ann Dixon, Chair
District Nine

Bill Malinowski
District One

Torrey Rush
District Seven

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-15HR

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 ALLOW SAME TO BE PARKED ON ANY LOT WITHIN THE COUNTY.

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

SECTION I. 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; is hereby amended to read as follows:

- (f) *Parking of recreational vehicles, boats, ~~and travel vehicles, or camping vehicles, and travel~~ trailers. ~~Travel or camping vehicles: Not more than one (1) Recreational vehicles, boats, travel vehicles, camping vehicles, and travel trailers travel or camping vehicle, per family living on the premises, shall be permitted to be parked on any lot in any residential zone within the County. The vehicle shall not be parked in the required front or side yard nor shall any such vehicle be parked or stored in front of the principal structure on a residentially zoned lot.~~ Provided, however, ~~the~~ the vehicle shall not be occupied temporarily or permanently while it is parked or stored, except in an authorized recreational vehicle park.*

- ~~(2) — Boats or travel trailers: No boat or travel trailer shall be stored in any required front or side yard of any residentially zoned property nor shall any boat or travel trailer be stored or parked in front of a principal structure on a residentially zoned lot.~~

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 _____, 2015.

RICHLAND COUNTY COUNCIL

BY: _____
Torrey Rush, Chair

ATTEST THIS THE ____ DAY
OF _____, 2015

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:
Public Hearing:
Second Reading:
Third Reading:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-15HR

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 PROHIBIT 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) *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 _____, 2015.

RICHLAND COUNTY COUNCIL

BY: _____
Torrey Rush, Chair

ATTEST THIS THE ____ DAY

OF _____, 2015

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:
Second Reading:
Public Hearing:
Third Reading:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-15HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 18, OFFENSES; SECTION 18-4, WEEDS AND RANK VEGETATION; SO AS DECREASE THE MAXIMUM HEIGHT OF GROWTH ALLOWED.

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 18, Offenses; Section 18-4 is hereby amended to read as follows:

Sec. 18-4. Weeds and rank vegetation.

(a) *Definition.* For purpose of this section, the term "weeds and rank vegetation" means dense, uncultivated, herbaceous overgrowth over ~~two (2) feet~~ twelve (12) inches in height, or briars and trailing vines exceeding ten (10) feet in length.

(b) *Declaration of nuisance.* Weeds and other rank vegetation allowed to grow to a height of ~~two (2) feet~~ twelve (12) inches and stand upon any lot or parcel of land in a developed residential area or commercial area within the county may be deemed and declared a nuisance in the judgment of the sheriff. For the purpose of this action, "residential area" is defined as property zoned for a residential use, platted for residential use with a plat having been begun, installation of utilities having been begun and construction of residential units being commenced. "Commercial area" shall be defined as it is in section 26-21 of this code.

(c) *Duty of owner, etc., to cut.* It shall be the duty of any owner, lessee, occupant, agent, or representative of the owner of any lot or parcel of land in a developed residential area or commercial area within the county to cut, or cause to be cut, all weeds and other rank vegetation, as described in this section, as often as may be necessary to prevent the growth of such weeds and other rank vegetation. However, lots of one acre or more are not required to be cut back more than fifty (50) feet from the road and each side property line.

(d) *Notice to owner, etc., to cut.* Whenever the sheriff shall find that weeds or other rank vegetation has been allowed to stand upon any lot or parcel of land in a developed residential area or commercial area within the county in such a manner as to constitute a nuisance, s/he may serve written notice upon the owner, or the occupant of the premises, or upon the agent or representative of the owner of such land having control thereof to comply with the provisions of this section. It shall be sufficient notification to deliver the notice to the person to whom it is addressed or to deposit a copy of such in the United

States mail, properly stamped, certified, and directed to the person to whom the notice is addressed, or to post a copy of the notice upon such premises.

(e) *Failure to comply with notice.* If the person to whom the notice is directed, under the provisions of the preceding subsection, fails or neglects to cause such weeds or other rank vegetation to be cut and removed from any such premises 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.

(f) *Removal by county.* In the event any property is determined to be a nuisance, and twenty (20) days has elapsed after such notice has been served, deposited in the United States Mail, or posted upon the premises, then the department of public works or its duly authorized agent or representative may enter upon any such lands and abate such nuisance by cutting and removing such weeds or other rank vegetation, and the cost of doing so may become a lien upon the property affected, or may be recovered by the county through judgment proceedings initiated in a court of competent jurisdiction.

(g) *Work may be done by county upon request.* Upon the written request by the owner or the person in control of any lot or parcel of land covered by this section, and the payment to the county for the services, the department of public works may enter upon any such lands and cut and remove the weeds or other rank vegetation therefrom, the charge and cost of such service to be paid into the county treasury.

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 _____, 2015.

RICHLAND COUNTY COUNCIL

BY: _____
Torrey Rush, Chair

ATTEST THIS THE _____ DAY

OF _____, 2009

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:
Second Reading:
Public Hearing:
Third Reading:

Richland County Council Request of Action

Subject: Motion to Name Courtroom 2b in the Judicial Center The Ada Harper James Courtroom

A. Purpose

County Council is requested to consider a motion by Mr. Rose to move Council to name Courtroom 2b of the Richland County Judicial Center located at 1701 Main Street the Ada Harper James courtroom in honor of her distinguished 21 years of service to the Honorable Judge Casey Manning and Richland County.

B. Background / Discussion

At the September 8, 2015, Richland County Council meeting Mr. Rose made the following motion:

Move Council to name courtroom 2b of the Richland County Judicial Center located at 1701 Main Street the Ada Harper James courtroom in honor of her distinguished 21 years of service to the Honorable Judge Casey Manning and Richland County.

Richland County owns the Judicial Center located at 1701 Main Street. Staff has

C. Legislative / Chronological History

September 8, 2015 motion by Mr. Rose.

D. Financial Impact

None associated with this amendment.

E. Alternatives

1. Consider the motion and proceed accordingly.

2. Consider the motion and do not proceed accordingly.

F. Recommendation

Recommended by: Councilmember Rose

Department: County Council

Date: 9/8/15

G. Reviews

(Please replace the appropriate box with a ✓ and then support your recommendation in the Comments section before routing on. Thank you!)

Please be specific in your recommendation. While “Council Discretion” may be appropriate at times, it is recommended that Staff provide Council with a professional recommendation of approval or denial, and justification for that recommendation, as often as possible.

FinanceReviewed by: Daniel Driggers

Date: 9/14/15

 Recommend Council approval Recommend Council denial

Comments regarding recommendation:

Policy decision left to Council discretion.

Clerk of CourtReviewed by: Jeanette McBride

Date: September 30, 2015

 Recommend Council approval Recommend Council denial

Comments regarding recommendation:

I have done extensive research on naming of courtrooms after employees of the courthouse. I have communicated with every Clerk of Court in the state through email. The majority of the Clerks in the state have never named a courtroom after a state or county employee. One clerk that have served the state for over 30 years advised me that it would open up "a can of worms" if I agreed to do this..

The clerks that have named courtrooms after individuals did it for long serving or retiring judges that have provided distinguished service to the judiciary. One clerk named a courtroom after one of her employees that had given exemplary service to the clerk's office and the judicial system.

I do not question Mrs. Ada James's dedication to Judge Manning. However, I would be more inclined to name a courtroom after Judge Manning or Chief Justice Jean Toal for their outstanding service to the Judicial System. When this proposal was presented to me by Judge Manning and Councilman Rose I told both of them I would support the motion after I did some research. I received lots of negative feedback from clerks all over the state and therefore I cannot support this proposal.

Legal

Reviewed by: Brad Farrar

Date: 10/1/15

 Recommend Council approval Recommend Council denial

Comments regarding recommendation: A mix of policy and legal issues. Recommend checking request against Council's recently passed ordinance relative to the naming of public buildings and the like. Also, consider S.C.Code Ann. Section 14-17-210 and guidance related thereto, which can be discussed at Council's pleasure.

AdministrationReviewed by: Warren Harley

Date: 10/1/15

 Recommend Council approval Recommend Council denial

Comments regarding recommendation: Policy decision left to Council discretion

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. 019-14HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 1, GENERAL PROVISIONS; SECTION 1-15, NAMING OF BUILDINGS; SO AS TO AMEND THE TITLE TO INCLUDE PROPERTIES, FACILITIES AND STRUCTURES AND TO ALLOW FOR LABELING BASED ON GEOGRAPHIC LOCATION.

Pursuant to the authority granted 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. The Richland County Code of Ordinances; Chapter 1, General Provisions; Section 1-15, Naming of Buildings; is hereby amended to read as follows:

Sec. 1-15. Naming and labeling of buildings, properties, facilities, and structures.

(a) The county council shall have the authority to name or label all county-built, county-financed and/or county-owned public buildings, properties, facilities, or structures. Naming and/or labeling shall be based on the following guidelines at the sole discretion of county council;

- (1) Any building, property, facility, or structure may be named in honor of any organization, or deceased or living individual; or
- (2) In addition to Richland County identification, any building, property, facility, or structure may be labeled with the geographic location within the County, such as a municipality, neighborhood, unincorporated community, or a designation based on common usage by residents of an area, such as topographical features or historical plat names.

(b) The following procedure shall be used to recommend a building, property, facility, or structure name or label to county council for consideration:

- (1) Any council member may make a motion to name or label a building, property, facility, or structure based on the above guidelines. Such motion shall be forwarded to the appropriate committee for review and recommendation to the full council; or
- (2) Any citizen, community group or organization, or county staff member, when requested by a citizen or community group or organization, may initiate a naming or labeling request. In such circumstances:

- a. Appropriate persons likely to be interested in the name or labeling of the building, property, facility, or structure shall be contacted and encouraged to submit one (1) or more suitable names or geographic label suggestions. When naming in honor of an organization, or deceased or living individual, these persons may be parties who donated land for the building, facility, or structure in question or who made some other similar contribution.
- b. Once appropriate county staff persons are satisfied that all relevant sources of input have been exhausted, they will submit all such information to the county administrator with a staff recommendation as to what or how the building, property, facility, or structure should be named or labeled.
- c. Upon receipt of the staff's recommendation, the county administrator shall review it and submit the list to the chairman of the appropriate committee of the county council for inclusion on the agenda of the next available committee meeting.
- d. Such committee shall review the staff recommendation and forward a recommendation of its own to the full county council.
- e. Upon receipt of the committee's recommendation, county council shall vote whether or not to give the building, property, facility, or structure such name or label as it deems to be in the best interest of the community as a whole and of its citizens, and one which reflects the community's history, geography, leaders, and/or culture.

(c) The addition of the name or label should be incorporated at the outset of construction when appropriate, or added when it is financially feasible to do so, such as the regularly scheduled re-painting of a building or replacement sign.

(d) Specific labeling shall be submitted by staff and approved by county council concurrently with the above process.

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 after May 20, 2014.

RICHLAND COUNTY COUNCIL

BY: _____
Norman Jackson, Chair

ATTEST THIS THE _____ DAY
OF _____, 2014.

Michelle Onley
Interim Clerk of Council

First Reading: April 1, 2014
Second Reading: May 6, 2014
Public Hearing: May 6, 2014
Third Reading: May 20, 2014