

# RICHLAND COUNTY COUNCIL

## SOUTH CAROLINA

### ORDINANCE REVIEW AD HOC COMMITTEE

April 19, 2016  
3:00 PM  
Administration 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 3:04 PM

#### APPROVAL OF MINUTES

**April 5, 2015** – Mr. Malinowski moved, seconded by Ms. Dixon, to approve the minutes as distributed. The vote in favor was unanimous.

#### ADOPTION OF THE AGENDA

Mr. Malinowski moved, seconded by Ms. Dixon, to adopt the agenda as published. The vote in favor was unanimous.

**Amending Chapter 17 to prohibit the parking of motor vehicles in front yard within certain residential zoning districts** – Mr. Bronson stated at the last committee meeting staff was directed to research through the Ombudsman's Office and Sheriff's Department the number of complaints received regarding this matter.

Currently the Sheriff's Department and Ombudsman's Office have no information regarding complaints since there is presently not an ordinance prohibiting parking in front yards.

The Ombudsman's Office has been instructed to begin tracking any complaints that are received regarding this matter.

Mr. Malinowski suggested a 6-month pilot program to track complaints received through the Ombudsman's Office.

Mr. Dixon inquired how it is going to be addressed if only certain parts of the County are providing complaints about the matter.

Mr. Malinowski stated if the complaints are coming from developments that have HOAs, the HOAs should be addressing the problem as a private matter. If they are complaint within the public purview the County will need to address those complaints.



#### Committee Members Present

Julie-Ann Dixon, Chair  
Bill Malinowski  
Seth Rose

#### Others Present:

Geo Price  
Elizabeth McLean  
Sandra Haynes  
Kevin Bronson  
Michelle Onley  
Chris Cowan

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Ms. Dixon stated this should not be a HOA matter, but the County should assist in enforcing the rules. The citizens look to Council to help put them on the right path; therefore, it is Council's duty to work with them.

A discussion took place of the existing ordinance covering tracker trailers.

Mr. Malinowski stated he had requested information regarding the effects of placing an impervious parking surface on the property.

Mr. Malinowski moved, seconded by Mr. Rose, to conduct a 6-month pilot study to track complaints received through the Ombudsman's Office. Any Council members that have received complaints are encouraged to provide those complaints to the Ombudsman's Office to be included in the study. The vote was in favor.

Mr. Rose moved, seconded by Mr. Malinowski, to reconsider this item. The vote in favor was unanimous.

Mr. Rose requested a friendly amendment to conduct a 3-month study instead of a 6-month study.

Mr. Malinowski accepted the friendly amendment. The vote was in favor.

Mr. Bronson stated staff will forward information regarding impervious surfaces at the same time as the finding from the study.

**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 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] – Mr. Bronson stated Ms. McLean has proposed an alternate ordinance that would accomplish Mr. Manning’s intent.

Ms. McLean stated the proposed ordinance would be a zero tolerance ordinance.

Mr. Malinowski expressed concern with the language included in the original proposed ordinance. Much of the language is subjective.

Ms. McLean stated the Legal Department does not recommend either proposed ordinance.

Ms. McLean provided the committee with copies of the current “Animal Care” Ordinance and the State law regarding animal cruelty.

Mr. Malinowski moved, seconded by Ms. Dixon, to make no changes to the current ordinance based on State and the language in the current ordinance already addressing the issues.

Mr. Rose made a substitute motion, seconded by Mr. Malinowski, to table this item. The vote in favor was unanimous.

### ITEMS FOR DISCUSSION

**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 and to allow all such vehicles and trailers to be parked on any lot within the County [REFERRED FROM MARCH 23, 2016 ZONING PUBLIC HEARING]** – Mr. Bronson stated this is the item that addresses off-street parking standards.

Ms. Dixon stated to hold this item in committee and address it when the parking on front yards ordinance is brought back after the 3-month study.

### ADJOURNMENT

The meeting adjourned at approximately 3:38 PM

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