

RICHLAND COUNTY COUNCIL

SOUTH CAROLINA

ORDINANCE REVIEW AD HOC COMMITTEE

April 5, 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 3:02 PM

APPROVAL OF MINUTES

March 15, 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 staff has made a recommendation on which zoning districts the ordinance would apply to. There are ramifications depending on which zoning districts are selected.

If a “blanket” ordinance is approved it will be easier for the Sheriff’s Department to enforce. If specific zoning designations are selected it would be more difficult for the Sheriff’s Department to enforce and may require the hiring of additional staff.

Mr. Malinowski inquired who receives the complaints regarding parking violations (i.e. Sheriff’s Department or County).

The complaints are received by both the Sheriff’s Department and the County.

Mr. Malinowski inquired about how many complaints are received annually and the zoning districts the complaints come from. If the complaints are coming from a particular subdivision with a HOA, it may be more of a private matter that needs to be handled privately.

Ms. Dixon stated having the HOA handle the complaints could cause rifts in the community. Also there are renters that are not provided a copy of the by-laws or covenants. If law enforcement is enforcing the violations, the violators will likely take action quicker to prevent fines and/or jail time.



Committee Members Present

Julie-Ann Dixon, Chair
Bill Malinowski

Others Present:

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

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Ms. Dixon further stated having vehicles parked on the grass detracts from the appearance of the community and also poses a safety hazard for public safety.

Mr. Malinowski stated he does not feel that tax payer dollars should go toward enforcing a "private" matter.

Major Cowan stated no matter how the ordinance is structured (i.e. Countywide or zoning district) it will require additional manpower to enforce the ordinance.

Mr. Malinowski stated the Planning Department needs to revisit the building codes and setbacks for future development to provide adequate space for parking.

Ms. Dixon stated the majority of HOA Board members are seasoned residents and may not know how to maneuver through the judicial system; therefore, they rely on the County to assist them.

Mr. Malinowski requested the number of complaints for the last year prior to the next Ordinance Review Ad Hoc Committee meeting.

Mr. Malinowski moved, seconded by Ms. Dixon, to defer until the April 19th Ordinance Review Ad Hoc Committee meeting. The vote in favor was unanimous.

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] – Mr. Jim LePan, Volkmann-Foster, stated there has been an increased demand for data in the last 10 years. The amount of requests a cell tower can receive is limited; therefore, there is a need for more cell towers in densely populated areas. The present ordinance does not allow for the construction of these cell towers on smaller parcels of land. The proposed change would allow the construction of collapsible cell towers that would fall in ½ or less of the tower height.

Ms. Best stated Charleston, Myrtle Beach, and Beaufort have changed the requirements to allow for construction of collapsible cell towers.

Mr. LePan stated each cell tower would be signed off on by a certified engineer.

Mr. Price stated overall there has not been a problem with industry representatives finding alternate locations when the proposed location did not meet the encroachment requirements.

Mr. Malinowski inquired if the cell tower were to fall and damage someone's property, who would be responsible for the damage?

Ms. McLean stated the cell company would be responsible. The County would have some liability from the Tort Claims Act for how the County permits. As long as the required steps have been followed and the tower was permitted properly, the County would typically be immune from liability.

Mr. Malinowski moved, seconded by Ms. Dixon, to forward this item to Council without a recommendation.

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 the intent of the motion was to give law enforcement the ability to break a window if an animal is deemed to be in harm's way.

Mr. Malinowski stated according to the documentation in the agenda it appears the majority of what is requested in the motion is included in the current ordinance.

Mr. Malinowski moved, seconded by Ms. Dixon, to defer this item until the April 19th Ordinance Review Ad Hoc Committee. The vote in favor was unanimous.

Ms. Dixon scheduled the next meeting for April 19th at 3:00 p.m.

ADJOURNMENT

The meeting adjourned at approximately 3:56 PM

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