

RICHLAND COUNTY COUNCIL

SOUTH CAROLINA

ORDINANCE REVIEW AD HOC COMMITTEE

November 15, 2016
2:00 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 2:04 PM

APPROVAL OF MINUTES

July 12, 2016 – 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.

An Ordinance Amending the Richland County Code of Ordinances; Chapter 18, Offenses; Section 18-3, Noise; so as to limit noise in the unincorporated areas of Richland County – Mr. Price stated this item was brought forward by the Sheriff's Department to amend the language of the ordinance to remove the word "decibels".

Ms. Dixon stated when this discussed previously the Sheriff's Department stated they had no way to measure the decibels when a noise complaint is received.

Major Meetze stated each deputy would have to be supplied with a decibel reader with the existing ordinance language and she is unsure of the accuracy of the decibel readers. The Sheriff's Department is requesting to allow the deputy to use his/her discretion when responding to a complaint.

Mr. Malinowski stated utilizing the deputy's discretion was one of his concerns when this item was brought to Council previously. In addition, much of the wording of the ordinance is ambiguous and up for interpretation.

Major Meetze stated the ordinance as written is not practical for the Sheriff's Department to enforce. In court the decibel readings and/or officer's discretion can be argued. Therefore it is a lose/lose situation.



Committee Members Present

Julie-Ann Dixon, Chair
Bill Malinowski

Others Present:

Geo Price
Kevin Bronson
Michelle Onley
Roxana Meetze
Lauren Hogan

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Ms. Barbara Roach, President of the Meadowlake HOA, expressed concern with regard to the “weeds and rank vegetation” ordinance, as well as, the noise ordinance.

Mr. Jim O’Brien, Briarwood Neighborhood Association, expressed concerns with vehicles parking in the yards.

Mr. Jim Bresneck, Woodlands Subdivision, expressed concern regarding all three of the agenda items.

Major Meetze requested the wording of Section 18.3(g) be reviewed for clarity.

A discussion took place regarding this item being tabled in committee in the past.

Mr. Malinowski moved, seconded by Ms. Dixon, to request the Sheriff’s Department to research the costs of obtaining decibel readers and to determine what decibels is deemed too loud. In addition, to have legal review the ordinance prior to it being brought back to committee in February.

The Sheriff’s Department reiterated the fact that each deputy will need to have a decibel reader and that each reader will have to be calibrated and certified.

Mr. Malinowski made a friendly amendment to the motion to have staff review noise ordinance in other like-sized counties.

The vote in favor was unanimous.

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 define vehicles subject thereto – Mr. Bronson stated the complaints regarding parking on the front lawn were to be tracked by the Ombudsman’s Office, which is a separate issue from the item being taken up by the committee.

Mr. Malinowski requested a definition of the following: “Rural Residential, Single-Family Residential, Manufactured Home or General Residential”.

The Sheriff’s Department stated the community would like to see the acreage necessary to parking a tractor trailer to be increased and the acreage for unlicensed and inoperable vehicles to be reduced.

In addition, “staging” a truck tractor is not clearly defined in the ordinance.

The committee recommended removing the “staging” language from the ordinance and have the acreage the same across the board. The suggestion from the Sheriff’s Department is 3 acres for tractor trailer and unlicensed and inoperable vehicles.

Major Meetze stated a lot of the HOAs are finding they have no legal standing to enforce their covenants. The residents are therefore requesting the Sheriff’s Departments assistance with the enforcing the County’s ordinances.

The Sheriff’s Department also recommended changing the ordinance language to address the covering of unlicensed and/or inoperable vehicles and insuring these vehicles are not visible from the roadway.

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Mr. Malinowski moved, seconded by Ms. Dixon, to instruct the Planning Department to immediately begin working on an ordinance that will layer the different areas of the County (i.e. Rural, Subdivisions and Neighborhoods, Urban and Suburban) to address the issues of vehicular parking. After legal review the ordinance will be brought back to committee in February. The vote in favor was unanimous.

An Ordinance Amending the Richland County Code of Ordinances; Chapter 18, Offenses; Section 18-4, Weeds and Rank Vegetation; so as to amend the time for notification – The Sheriff’s Department stated the complaints they have received from citizens is that 30 days is too long. The recommendation is for the 30 days to be changed to 14 calendar days and to include the “repeat offender” clause to allow the Sheriff’s Department to cite the owner once the owner has been notified.

Mr. Malinowski requested the word “etc.” be removed from letters (c) and (d).

Mr. Malinowski moved, seconded by Ms. Dixon, to reduce the height from 3 ft. to 1 ft. as requested by the Sheriff’s Department. The vote in favor was unanimous.

The amended ordinance will be brought back to committee in February.

ADJOURNMENT

The meeting adjourned at approximately 3:34 PM

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