

RICHLAND COUNTY

SPECIAL CALLED

AGENDA



TUESDAY APRIL 9, 2024

6:00 PM

COUNCIL CHAMBERS

Richland County Council 2024-2025



Deirrek Pugh
District 2
Vice Chair



Jason Branham
District 1



Gretchen Barron
District 7



Yvonne McBride
District 3



Paul Livingston
District 4



Allison Terracio
District 5



Don Weaver
District 6



Overture Walker
District 8



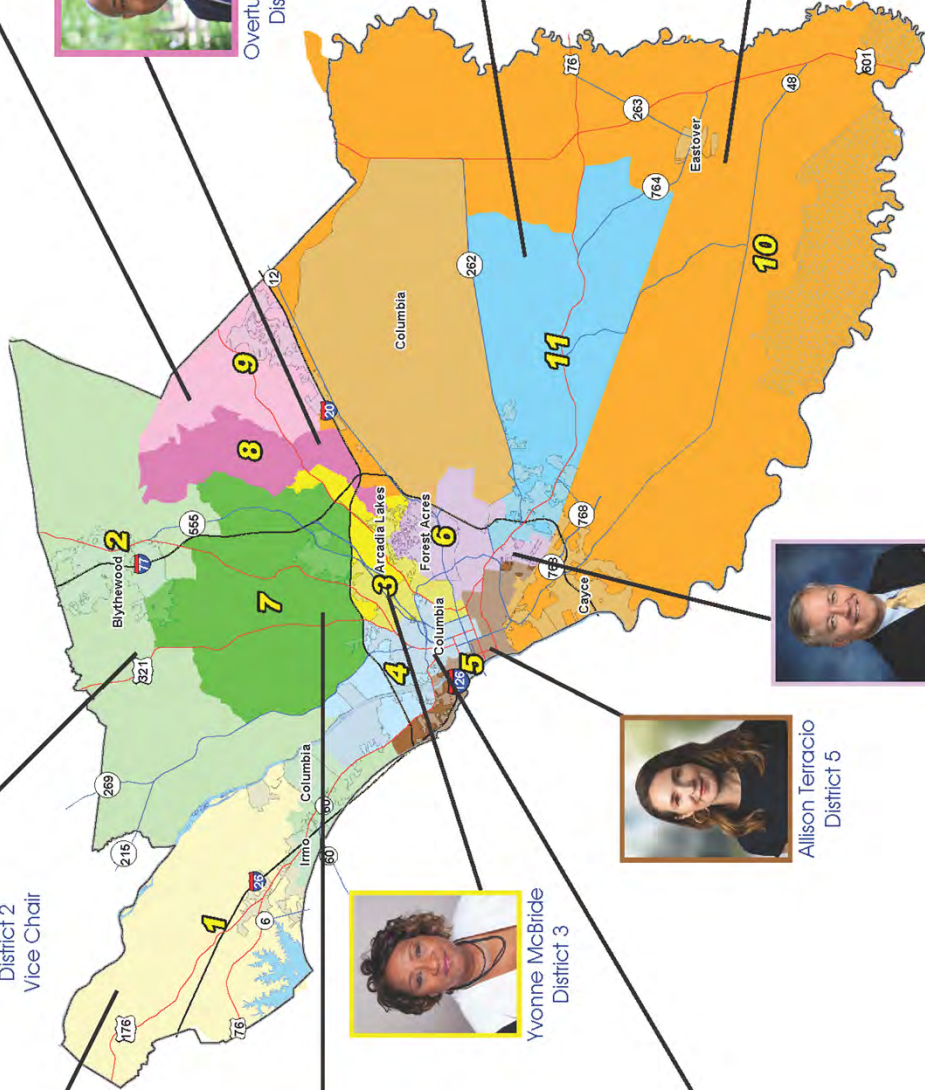
Chakisse Newton
District 11



Cheryl English
District 10



Jessica Mackey
District 9
Chair





**Richland County
Special Called**

AGENDA

April 9, 2024 - 6:00 PM
Council Chambers
2020 Hampton Street, Columbia, SC 29204

1. **CALL TO ORDER**

The Honorable Jesica Mackey,
Chair Richland County Council

 - a. ROLL CALL
2. **INVOCATION**

The Honorable Jason Branham
3. **PLEDGE OF ALLEGIANCE**

The Honorable Jason Branham
4. **PRESENTATION OF RESOLUTIONS**
 - a. A Resolution Recognizing Black Maternal Health Week

The Honorable Jesica Mackey
The Honorable Jason Branham
The Honorable Derrek Pugh
The Honorable Yvonne McBride
The Honorable Paul Livingston
The Honorable Allison Terracio
The Honorable Don Weaver
The Honorable Gretchen Barron
The Honorable Overture Walker
The Honorable Cheryl English
The Honorable Chakisse Newton
5. **PRESENTATION OF PROCLAMATION**
 - a. Recognizing April 27, 2024, as Richland County Alumnae Chapter, Delta Sigma Theta Sorority, Incorporated Day

The Honorable Jesica Mackey
 - b. Recognizing Ridge View High School Boys Basketball Team as AAA State Champions

The Honorable Jesica Mackey
The Honorable Overture Walker
6. **APPROVAL OF MINUTES**

The Honorable Jesica Mackey

 - a. Regular Session: March 19, 2024 **[PAGES 10-16]**
7. **ADOPTION OF AGENDA**

The Honorable Jesica Mackey

8. REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION ITEMS

Patrick Wright,
County Attorney

After Council returns to open session, council may take action on any item, including any subsection of any section, listed on an executive session agenda or discussed in an executive session during a properly noticed meeting.

- a. Department of Public Works - Engineering -
Springwood Lakes High Hazard Potential Dam
Rehabilitation
- b. Richland County Workforce Training Center
- c. Property Inquiry – 1221 Gregg Street, Columbia, SC
29201, TMS # R11406-16-16 and TMS #
R11406-16-17 [Pursuant to S. C. Code Sect. 30-4-70(a)
(2) and (5)]

9. CITIZEN'S INPUT

The Honorable Jesica Mackey

- a. For Items on the Agenda Not Requiring a Public
Hearing

10. CITIZEN'S INPUT

The Honorable Jesica Mackey

- a. Must Pertain to Richland County Matters Not on the
Agenda (Items for which a public hearing is required
or a public hearing has been scheduled cannot be
addressed at this time.)

11. REPORT OF THE COUNTY ADMINISTRATOR

Leonardo Brown,
County Administrator

- a. Updates for Consideration:
 - 1. Property Inquiry Update - 1221 Gregg Street,
Columbia, SC 29201, TMS # R11406-16-16, TMS #
R11406-16-17
- b. Administrator's Nomination: (Items in this section
require action that may prejudice the County's
interest in a discernable way (i.e., time-sensitive,
exigent, or of immediate importance)
 - 1. County Administrator – McEntire State Land
Purchase Colie-Martin Tract **[PAGES 17-28]**

12. REPORT OF THE CLERK OF COUNCIL

Anette Kirylo,
Clerk of Council

13. REPORT OF THE CHAIR

The Honorable Jesica Mackey

14. OPEN / CLOSE PUBLIC HEARINGS

The Honorable Jesica Mackey

- a. An Ordinance amending the Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; by adding Article VII entitled "Short-Term Rentals" so as to establish certain requirements for properties being used as short-term rentals, to define necessary terms, and to provide penalties
- b. An Ordinance authorizing a quitclaim deed to Bobby J. and Nancy Y. Spivey for unused and unopened right-of-way on Lake Dogwood Circle South
- c. Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain property located in Richland County; the execution and delivery of an infrastructure credit agreement to provide for infrastructure credits to Colite Technologies, LLC; and other related matters

15. APPROVAL OF CONSENT ITEMS

The Honorable Jesica Mackey

- a. An Ordinance amending the Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; by adding Article VII entitled "Short-Term Rentals" so as to establish certain requirements for properties being used as short-term rentals, to define necessary terms, and to provide penalties [THIRD READING] **[PAGES 29-56]**
- b. County Attorney's Office - Road Closure Request - Cottontown Way **[PAGES 57-66]**
- c. An Ordinance authorizing the easements to Dominion Energy South Carolina, Inc. to construct, extend, replace, relocate, perpetually maintain and operate an overhead or underground electric line or lines; located on property owned by Richland County at 1364 Northpoint Blvd.; and as is more fully described herein [FIRST READING] **[PAGES 67-73]**
- d. Community Planning & Development - Building Inspections Division - Town of Eastover Intergovernmental Agreement **[PAGES 74-89]**

- e. An Ordinance Amending the Richland County Code of Ordinances; Chapter 18, Offenses; by adding Section 18-10, so as to prohibit the desecration of a gravesite, cemetery, or burial ground and to provide penalties [FIRST READING] [PAGES 90-98]
- f. Utilities - Greenlake Gravity Sewer Rehabilitation [PAGES 99-102]
- g. Department of Public Works - Engineering - Springwood Lakes High Hazard Potential Dam Rehabilitation [PAGES 103-112]

16. THIRD READING ITEMS

The Honorable Jesica Mackey

- a. An Ordinance authorizing a quitclaim deed to Bobby J. and Nancy Y. Spivey for unused and unopened right-of-way on Lake Dogwood Circle South [PAGES 113-116]
- b. Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain property located in Richland County; the execution and delivery of an infrastructure credit agreement to provide for infrastructure credits to Colite Technologies, LLC; and other related matters [PAGES 117-138]

17. FIRST READING ITEMS

The Honorable Jesica Mackey

- a. Authorizing the imposition of a one percent (1%) Transportation Sales and Use Tax within Richland County pursuant to Section 4-37-30 of the Code of Laws of South Carolina 1976, as amended; determining (I) the categories of projects to be funded with the tax, (II) the maximum time for imposition of the tax, and (III) the estimated capital costs of the projects; directing the Board of Voter Registration and Elections of Richland County to conduct a county-wide referendum on the imposition of the tax and the issuance of General Obligation Bonds; prescribing the contents of the ballot questions; and other related matters [PAGES 139-149]

18. REPORT OF ADMINISTRATION & FINANCE COMMITTEE

The Honorable Overture Walker

- a. An Ordinance Amending the Richland County Code of Ordinances, Chapter 5, Animals and Fowl [PAGES 150-203]

19. REPORT OF RULES & APPOINTMENTS COMMITTEE

The Honorable Gretchen Barron

a. NOTIFICATION OF APPOINTMENTS

1. Board of Zoning Appeals - 1
 - a. Alexander Alderan
2. Planning Commission - 2
 - a. Lakesha McKelvey
 - b. Brittany Sumter
 - c. Terrence Taylor (Incumbent)

20. REPORT OF THE AFFORDABLE HOUSING AD HOC COMMITTEE [PAGES 204-247]

The Honorable Allison Terracio

- a. Affordable Housing Definitions
- b. Project Scope
- c. Affordable Housing Budget

21. REPORT OF THE DETENTION CENTER AD HOC COMMITTEE

The Honorable Derrek Pugh

- a. Detention Center Update

22. REPORT OF THE COMMUNITY GRANTS AD HOC COMMITTEE [PAGE 248]

The Honorable Jesica Mackey

- a. Fiscal Year 25 Community Partners Grants Requests

23. REPORT OF THE TRANSPORTATION AD HOC COMMITTEE [PAGES 249-255]

The Honorable Oveture Walker

- a. Atlas Road Re-Scoping
- b. Award of Construction – Atlas Road Widening

24. OTHER ITEMS

The Honorable Jesica Mackey

- a. FY24 - District 9 Hospitality Tax Allocations
[PAGES 264-265]

1. Columbia City Ballet (SC Ballet) - \$5,000

25. EXECUTIVE SESSION

Patrick Wright,
County Attorney

After Council returns to open session, council may take action on any item, including any subsection of any section, listed on an executive

session agenda or discussed in an executive session during a properly noticed meeting.

26. MOTION PERIOD

27. ADJOURNMENT

The Honorable Jesica Mackey



Special Accommodations and Interpreter Services Citizens may be present during any of the County's meetings. If requested, the agenda and backup materials will be made available in alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), as amended and the federal rules and regulations adopted in implementation thereof. Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may request such modification, accommodation, aid or service by contacting the Clerk of Council's office either in person at 2020 Hampton Street, Columbia, SC, by telephone at (803) 576-2061, or TDD at 803-576-2045 no later than 24 hours prior to the scheduled meeting.



Richland County Council
Regular Session
MINUTES
March 19, 2024 – 6:00 PM
Council Chambers
2020 Hampton Street, Columbia, SC 29204

COUNCIL MEMBERS PRESENT: Jesica Mackey, Chair; Derrek Pugh, Vice-Chair; Jason Branham, Yvonne McBride, Paul Livingston, Allison Terracio, Don Weaver, Gretchen Barron, Overture Walker, Cheryl English, and Chakisse Newton (via Zoom)

OTHERS PRESENT: Michelle Onley, Aric Jensen, Leonardo Brown, Anette Kirylo, Stacey Hamm, Susan O’Cain, Dale Welch, Ashiya Myers, Kyle Holsclaw, Angela Weathersby, Andrew Haworth, Tamar Black, Patrick Wright, Michael Maloney, Ashley Fullerton, Jeff Ruble, Judy Carter, Geo Price, Jackie Hancock, Jennifer Wladischkin, John Thompson, Sarah Harris, Chelsea Bennett, and Zach Cavanaugh

1. **CALL TO ORDER** – Chairwoman Jesica Mackey called the meeting to order at approximately 6:00 PM.
Ms. Mackey noted that Ms. Newton would participate virtually at tonight’s meeting.
2. **INVOCATION** – The Invocation was led by the Honorable Cheryl English.
3. **PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was led by the Honorable Derrek Pugh.
4. **APPROVAL OF MINUTES**
 - a. **Regular Session: March 5, 2024** – Mr. Walker moved to approve the minutes as distributed, seconded by Ms. Barron.

Ms. McBride noted a type o, the minutes for Items 4(a) and 5(b) under the roll call needs to be corrected to reflect “McBride” instead of “McEntire”.

In Favor: Branham, Pugh, McBride, Livingston, Terracio, Weaver, Barron, Walker, Mackey, English, and Newton

The vote in favor was unanimous.
5. **ADOPTION OF AGENDA** – Ms. English moved to adopt the agenda as published, seconded by Mr. Weaver.

In Favor: Branham, Pugh, McBride, Livingston, Terracio, Weaver, Barron, Walker, Mackey, English, and Newton

The vote in favor was unanimous.
6. **REPORT OF THE ATTORNEY [NON-EXECUTIVE SESSION ITEMS]**
 - a. **A Resolution expanding the functions, duties, and powers of the Transportation Penny Advisory Committee** – The County Attorney, Patrick Wright, stated the purpose of the resolution is to charge the Transportation Penny Advisory Committee (TPAC) to meet more often in the next few months so they can advise Council and make recommendations regarding potential transportation projects. In addition, allowing Council to charge the municipalities with vacancies to fill those positions by April 5, 2024. If the seats are not filled by that date, the Council Chair and Transportation Ad Hoc Committee Chair can make recommendations to Council to fill those vacancies.

Mr. Walker moved to approve this item, seconded by Mr. Livingston.

Ms. McBride requested a friendly amendment to include the Rules and Appointments Chair in the recommendation process.

Mr. Walker indicated the only misgiving he has is that we are under the gun regarding the timeline. The quickest way to fill the vacancies is for either the Council Chair or the Transportation Ad Hoc Committee Chair to do so. If we were not short on time, he would not have a problem with it going through the Rules and Appointments Committee.

Ms. McBride clarified that she was not suggesting it to go through the Rules and Appointments Committee but to have the Rules and Appointments Committee Chair participate in the process to prevent a tie.

Mr. Walker suggested amending the language to be either the Council Chair or the Transportation Ad Hoc Committee Chair instead of both.

Mr. Wright stated that the Council Chair and Transportation Ad Hoc Committee Chair could agree on a recommendation, or they could both make recommendations. Either way, the recommendation(s) would come to Council for a vote.

Ms. Barron stated to keep in mind there are applicants who have already applied, and the Clerk's Office maintains those applications.

Mr. Wright noted that the individuals Council will be appointing must reside within the municipalities they represent.

Mr. Livingston made a substitute motion, seconded by Ms. McBride, to approve the resolution and to include the Rules and Appointments Chair in the recommendation process.

In Favor: Branham, Pugh, McBride, Livingston, Terracio, Weaver, Barron, Mackey, English, and Newton

Opposed: Walker

The vote was in favor of the substitute motion.

Ms. Barron moved to reconsider this item, seconded by Mr. Livingston.

In Favor: Walker

Opposed: Branham, Pugh, McBride, Livingston, Terracio, Weaver, Barron, Mackey, English, and Newton

The motion for reconsideration failed.

7. **REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION (Pursuant to SC Code 30-4-70)** – Mr. Patrick Wright, County Attorney, indicated the following items qualify for Executive Session under South Carolina Code section 30-4-70: (a)(2)

a. Disability Rights vs. Richland County [Pursuant to SC Code of Laws, Sec. 30-4-70(a)(2)]

b. Butler vs. Richland County [Pursuant to S.C. Code of Laws, Sec. 3-4-70(a)(2)]

8. **CITIZENS' INPUT**

a. For Items on the Agenda Not Requiring a Public Hearing – No one signed up to speak.

9. **CITIZENS' INPUT**

a. Must Pertain to Richland County Matters Not on the Agenda (Items for which a public hearing is required or a public hearing has been scheduled cannot be addressed at this time.)

1. Brad Swensen, 7716 Leitner Road, Columbia, SC 29209 – Land Development Code
2. David Bergmann, 560 Regatta Road, Columbia, SC 29212 – Land Development Code
3. Wendi Bergmann, 560 Regatta Road, Columbia, SC 29212 – Land Development Code

10. **REPORT OF THE COUNTY ADMINISTRATOR**

a. Updates for Consideration

1. *2024 Annual Comprehensive Financial Report* – Mr. Leonardo Brown, County Administrator, noted Councilmembers were provided a copy of the report. Any questions should be directed to Assistant County Administrator Lori Thomas or Finance Director Stacey Hamm.
2. *Richland County Conservation Commission (RCCC) FY24-25 Annual Plan* – Mr. John Grego, Conservation Commission Chair, gave a brief overview of the Conservation Commission's Annual Plan.

Mr. Weaver inquired if the Conservation Commission has ever received Hospitality Tax for some of these ongoing projects.

Mr. Grego responded that they had received funds in the past.

Ms. Barron inquired if the Conservation Commission had considered contracting a staff person instead of the County hiring someone.

Mr. Grego indicated the job description is ambitious and is not an easy fit; therefore, contracting a staff person is an option.

3. *Family Service Center Exterior Elevation* – Mr. Brown stated there are renderings included in the agenda packet. Staff requests that Council provide feedback to the Clerk of Council by March 26th. He indicated representatives from the Department of Social Services, Department of Health and Environmental Control, and Department of Health and Human Services have all provided letters of support to the Administrator.

Regular Council Meeting Minutes

March 19, 2024

b. Administrator's Nomination: Items in this section require action that may prejudice the County's interest in a discernable way (i.e., time-sensitive, exigent, or of immediate importance)

1. *Animal Services – Vector Control – Center for Disease Control/Department of Health and Environmental Control* – Mr. Brown pointed out on p. 43 of the agenda it states, "You do not need to apply for funding. You will be receiving a pre-determined dollar amount. However, you will need to sign a contract agreement, which basically states that you will spend the awarded funds on mosquito control equipment and products and that you will submit receipts to us for reimbursement." He noted this is the reason this item is before Council for approval. Council approval will allow him to execute the agreement for the amount of \$68,301.22, which will be used to support Vector Control.

Ms. Barron moved to approve this item, seconded by Ms. Terracio.

In Favor: Branham, Pugh, McBride, Livingston, Terracio, Weaver, Barron, Walker, Mackey, English, and Newton

The vote in favor was unanimous.

Ms. English moved to reconsider this item, seconded by Ms. Barron.

Opposed: Branham, Pugh, McBride, Livingston, Terracio, Weaver, Barron, Walker, Mackey, English, and Newton

The motion for reconsideration failed.

2. *Grants & Community Outreach – Contract Approval for CDBG Rental Acquisition & Rehab Projects* – Mr. Brown stated staff requests approval for two (2) CDBG Affordable Rental Housing Acquisition and Rehab projects with SC Uplift and Reconciliation Ministries for the development of four (4) apartments and one single-family home for low-to-moderate income families in unincorporated areas of the County. The contracts will include a CDBG Subrecipient Agreement and a CDBG Developer's Agreement. The SC Uplift single-family home project is located in Council District 3. The Reconciliation Ministries Quadraplex project is located in Council District 2.

Ms. Barron moved to approve this item, seconded by Mr. Pugh.

Ms. Terracio inquired if the subject properties are rentals.

Mr. Brown responded the Reconciliation Ministries Quadraplex is defined as a rental property, but the other property is a single-family home.

In Favor: Branham, Pugh, McBride, Livingston, Terracio, Weaver, Barron, Walker, Mackey, English, and Newton

The vote in favor was unanimous.

Ms. Barron moved to reconsider this item, seconded by Ms. McBride.

Opposed: Branham, Pugh, McBride, Livingston, Terracio, Weaver, Barron, Walker, Mackey, English, and Newton

The motion for reconsideration failed.

11. **REPORT OF THE CLERK OF COUNCIL** – No report was given.

12. **REPORT OF THE CHAIR** – No report was given.

13. **APPROVAL OF CONSENT ITEMS**

- a. Case # 23-026MA, Tony Lawton, RU to GC, 113 Sease Road (1.14 Acres), TMS # R040032-02-17 [THIRD READING]
- b. An Ordinance amending the Richland County Code of Ordinances: Chapter 16, Licenses and Miscellaneous Business Regulations; by adding Article VII entitled "Short-Term Rentals" so as to establish certain requirements for properties being used as short-term rentals, to define necessary terms, and to provide penalties [SECOND READING]

Mr. Walker moved to approve Items 13(a) and (b), seconded by Ms. Terracio.

In Favor: Branham, Pugh, McBride, Livingston, Terracio, Weaver, Barron, Walker, Mackey, English, and Newton

The vote in favor was unanimous.

14. **SECOND READING ITEMS**

- a. An Ordinance authorizing a quitclaim deed to Bobby I. and Nancy Y. Spivey for unused and unopened right-of-way on Lake Dogwood Circle South – Mr. Walker moved to approve the item, seconded by Ms. Terracio.

In Favor: Branham, Pugh, McBride, Livingston, Terracio, Weaver, Barron, Walker, Mackey, English, and Newton

The vote in favor was unanimous.

- b. Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain property located in Richland County; the execution and delivery of an infrastructure credit agreement to provide for infrastructure credits to Colite Technologies, LLC; and other related matters – Mr. Walker moved to approve this item, seconded by Mr. Livingston.

In Favor: Branham, Pugh, McBride, Livingston, Terracio, Weaver, Barron, Walker, Mackey, English, and Newton

The vote in favor was unanimous.

15. **REPORT OF THE ECONOMIC DEVELOPMENT COMMITTEE**

- a. Approval of Selecting an Engineering Firm and of Grants for Rawl/SE Richland Industrial Park – Mr. Livingston stated in February 2022, the County entered into a 5-year optional agreement for the approximate 1,686 acres of land in Southeast Richland County. The county received a grant of \$181,360 from the Department of Revenue, which will be utilized for master planning and due diligence on the tract of land. The committee recommended approval of this item.

In Favor: Branham, Pugh, McBride, Livingston, Terracio, Weaver, Barron, Walker, Mackey, English, and Newton

The vote in favor was unanimous.

Mr. Livingston moved to reconsider this item, seconded by Ms. Terracio.

Opposed: Branham, Pugh, McBride, Livingston, Terracio, Weaver, Barron, Walker, Mackey, English, and Newton

The motion for reconsideration failed.

16. **REPORT OF THE RULES AND APPOINTMENTS COMMITTEE**

a. NOTIFICATION OF APPOINTMENTS

1. *Richland Memorial Hospital Board – Four (4) Vacancies* – Ms. Barron stated the committee recommended appointing Mr. Charles Mills, Ms. Lochlan Wooten, and Dr. Andrea Darden and re-appoint Mr. Edwin Garrison.

In Favor: Branham, Pugh, McBride, Livingston, Terracio, Weaver, Barron, Walker, Mackey, English, and Newton

The vote in favor was unanimous.

2. *Lexington Richland Alcohol and Drug Abuse Council (LRADAC) – Two (2) Vacancies* – Ms. Barron stated the committee recommended appointing Ms. Crystal Marks and re-appointing Mr. Harold Ward.

In Favor: Branham, Pugh, McBride, Livingston, Terracio, Weaver, Barron, Walker, Mackey, English, and Newton

The vote in favor was unanimous.

3. *Building Codes Board of Appeals – Eight (8) Vacancies (ONE applicant must be from the Architecture Industry, ONE applicant must be from the Gas Industry, ONE applicant must be from the Building Industry, ONE applicant must be from the Contracting Industry, ONE applicant must be from the Plumbing Industry, ONE applicant must be from the Electrical Industry, and TWO applicants must be from the Fire Industry as alternates)* – Ms. Barron stated the committee recommended appointing Mr. Shaun Jackson to fill the Building Industry vacancy.

In Favor: Branham, Pugh, McBride, Livingston, Terracio, Weaver, Barron, Walker, Mackey, English, and Newton

The vote in favor was unanimous.

4. *Central Midlands Regional Transit Authority – One (1) Vacancy* – Ms. Barron stated the committee recommended appointing Mr. Roosevelt Barnwell.

In Favor: Branham, Pugh, McBride, Livingston, Terracio, Weaver, Barron, Walker, Mackey, English, and Newton

The vote in favor was unanimous.

b. NOTIFICATION OF VACANCIES

1. *Accommodations Tax Committee – Four (4) Vacancies (ONE applicant must have a background in the lodging industry, TWO applicants must have a background in the hospitality tax industry, and ONE applicant must have a cultural background)*
2. *Board of Assessment Appeals – One (1) Vacancy*

4. *Building Codes Board of Appeals – Seven (7) Vacancies (ONE applicant must be from the Architecture Industry, ONE applicant must be from the Gas Industry, ONE applicant must be from the Contracting Industry, ONE applicant must be from the Plumbing Industry, ONE applicant must be from the Electrical Industry, and TWO applicants must be from the Fire Industry as alternates)*
5. *Business Service Center Appeals Board – Three (3) Vacancies (ONE applicant must be from the Business Industry, and TWO applicants must be CPAs)*
6. *Central Midlands Council of Governments – Three (3) Vacancies*
7. *Community Relations Council – Six (6) Vacancies*
8. *Historic Columbia – One (1) Vacancy*
9. *Hospitality Tax Committee – Four (4) Vacancies (TWO applicants must be from the Restaurant Industry)*

Ms. Barron stated the committee recommended advertising for the above-referenced vacancies. The advertisement will run until April 23, 2024.

In Favor: Branham, Pugh, McBride, Livingston, Terracio, Weaver, Barron, Walker, Mackey, English, and Newton

The vote in favor was unanimous.

Ms. Barron encouraged those interested in serving to apply, especially for the vacancies that require specific qualifications.

17. REPORT OF THE STRATEGIC PLANNING AD HOC COMMITTEE

- a. Envisio Update – Ms. Mackey stated that Envisio is the dashboard that staff has been working on that will highlight and track our goals and objectives. The official launch will be April 16, 2024.

Ms. Barron noted the SCAC Institute of Government instructor used the county’s strategic plan as an example for their class.
- b. Website Update – Ms. Mackey indicated a website RFP is currently out. The goal is to have an award made within the next 60 days.
- c. Public Private Partnership – Ms. Mackey stated the committee would like feedback from Council on the “menu” items. The Clerk of Council will send an email highlighting the “menu” items requesting your input and a deadline to submit said feedback.

18. OTHER ITEMS

- a. FY24 – District 1 Hospitality Tax Allocations (SC Philharmonic - \$8,000)
- b. FY24 – District 5 Hospitality Tax Allocations (Historic Columbia - \$15,000)
- c. FY24 – District 7 Hospitality Tax Allocations (American Heart Association - \$15,000 and Historic Columbia - \$15,000)
- d. FY24 District 8 Hospitality Tax Allocations (Phi Beta Sigma – Beta Chi Sigma - \$5,000 and Serve & Connect - \$2,500)
- e. FY24 – District 10 Hospitality Tax Allocations (LR Sweet Potato Festival - \$20,000 and Columbia City Ballet - \$5,000)

Mr. Pugh moved to approve Items 18(a) and (b), seconded by Ms. Barron.

In Favor: Branham, Pugh, McBride, Livingston, Terracio, Weaver, Barron, Walker, Mackey, English, and Newton

The vote in favor was unanimous.

Ms. Barron moved to reconsider Items 18(a) and (b), seconded by Ms. English.

Opposed: Branham, Pugh, McBride, Livingston, Terracio, Weaver, Barron, Walker, Mackey, English, and Newton

The motion for reconsideration failed.

Mr. Weaver moved to approve Items 18(c), (d), and (e), seconded by Mr. Walker.

In Favor: Branham, Pugh, McBride, Livingston, Terracio, Weaver, Barron, Walker, Mackey, English, and Newton

The vote in favor was unanimous.

Ms. English moved to reconsider Items 18(c), (d), and (e), seconded by Mr. Pugh.

Opposed: Branham, Pugh, McBride, Livingston, Terracio, Weaver, Barron, Walker, Mackey, English, and Newton

The motion for reconsideration failed.

19. **EXECUTIVE SESSION**

a. Disability Rights vs. Richland County [Pursuant to SC Code of Laws, Sec. 30-4-70(a)(2)]

b. Butler vs. Richland County [Pursuant to S.C. Code of Laws, Sec. 3-4-70(a)(2)]

Mr. Walker moved to go into Executive Session, seconded by Ms. Barron.

In Favor: Branham, Pugh, McBride, Livingston, Terracio, Weaver, Barron, Walker, Mackey, English, and Newton

***Council went into Executive Session at approximately 7:00 PM
and came out at approximately 7:09 PM***

Ms. Terracio moved to come out of Executive Session, seconded by Mr. Pugh.

In Favor: Branham, Pugh, McBride, Livingston, Terracio, Weaver, Barron, Walker, Mackey, English, and Newton

The vote in favor was unanimous.

Ms. Mackey indicated no action was taken in Executive Session.

20. **MOTION PERIOD** – No motions were submitted.

21. **ADJOURNMENT** – Mr. Walker moved to adjourn the meeting, seconded by Ms. Terracio.

In Favor: Branham, Pugh, McBride, Livingston, Terracio, Weaver, Barron, Walker, Mackey, English, and Newton

The vote in favor was unanimous.

The meeting adjourned at approximately 7:11 PM.

**RICHLAND COUNTY
ADMINISTRATION**

2020 Hampton Street, Suite 4069
Columbia, SC 29204
803-576-2050



Report of the County Administrator

Special Called - April 09, 2024

UPDATES FOR CONSIDERATION:

PERSONNEL MATTER - GRIEVANCE REVIEWS AND RECOMMENDATIONS

PROPERTY INQUIRY UPDATE - 1221 GREGG STREET, COLUMBIA, SC 29201, TMS # R11406-1616, TMS # R11406-16-17

ADMINISTRATOR'S NOMINATION:

Items in this section require action that may prejudice the County's interest in a discernable way (i.e. time sensitive, exigent, or of immediate importance)

County Administrator – McEntire State Land Purchase Colie-Martin Tract: Staff recommends approval of the letter of support of the McEntire Joint National Guard Base's purchase of the property identified by tax map number R30400-01-19.

ATTACHMENTS:

1. Agenda Briefing: County Administrator – McEntire State Land Purchase Colie-Martin Tract
2. Richland County Family Services Center Letters of Support
 - a. Robert M. Kerr, Director, South Carolina Department of Health and Human Services
 - b. Michael Leach, State Director, South Carolina Department of Social Services
 - c. Edward Simmer, Director, South Carolina Department of Health and Environmental Control



Agenda Briefing

Prepared by:	Ashiya A Myers	Title:	Assistant to the County Administrator	
Department:	Administration	Division:		
Date Prepared:	March 7, 2024	Meeting Date:	April 9, 2024	
Legal Review	Patrick Wright via email	Date:	March 21, 2024	
Budget Review	Maddison Wilkerson via email	Date:	March 21, 2024	
Finance Review	Stacey Hamm via email	Date:	March 20, 2024	
Approved for consideration:	County Administrator	Leonardo Brown, MBA, CPM		
Meeting/Committee	Special Called			
Subject	McEntire State Land Purchase - Colie-Martin Tract			

RECOMMENDED/REQUESTED ACTION:

Staff recommends approval of the letter of support of the McEntire Joint National Guard Base's purchase of the property identified by tax map number R30400-01-19.

Request for Council Reconsideration: Yes

FIDUCIARY:

Are funds allocated in the department's current fiscal year budget?	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
If not, is a budget amendment necessary?	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No

ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

Per the Richland County online Property Value and Tax Estimate application, the subject property's total taxable value is \$7,100. Upon acquisition, the property will be removed from the tax rolls.

OFFICE OF PROCUREMENT & CONTRACTING FEEDBACK:

Not applicable.

COUNTY ATTORNEY'S OFFICE FEEDBACK/POSSIBLE AREA(S) OF LEGAL EXPOSURE:

There are no legal concerns regarding this matter.

REGULATORY COMPLIANCE:

Air Force airfield Clear Zones begin at the end of the runway for airfields operated by the Air Force and are rectangles that run along the extended centerline of the runway. Installations previously granted permission for reduced size Clear Zones for their Class B runways will now reflect the standard 3000-foot x 3000-foot Clear Zones in all Air Installations Compatible Use Zones (AICUZ) studies. (Air Force Instruction 32-7063 Air Installation Compatible Use Program)

MOTION OF ORIGIN:

There is no associated Council motion of origin.

STRATEGIC & GENERATIVE DISCUSSION:

Mr. Steven Bewley, Real Property Manager/169th CES, for McEntire Joint National Guard Base (JNGB) contacted Administration on Thursday, March 07, 2024 to request a letter of support for a potential land purchase near the base. These property purchases increase the Clear Zones at the end of the runway.

ASSOCIATED STRATEGIC GOAL, OBJECTIVE, AND INITIATIVE:

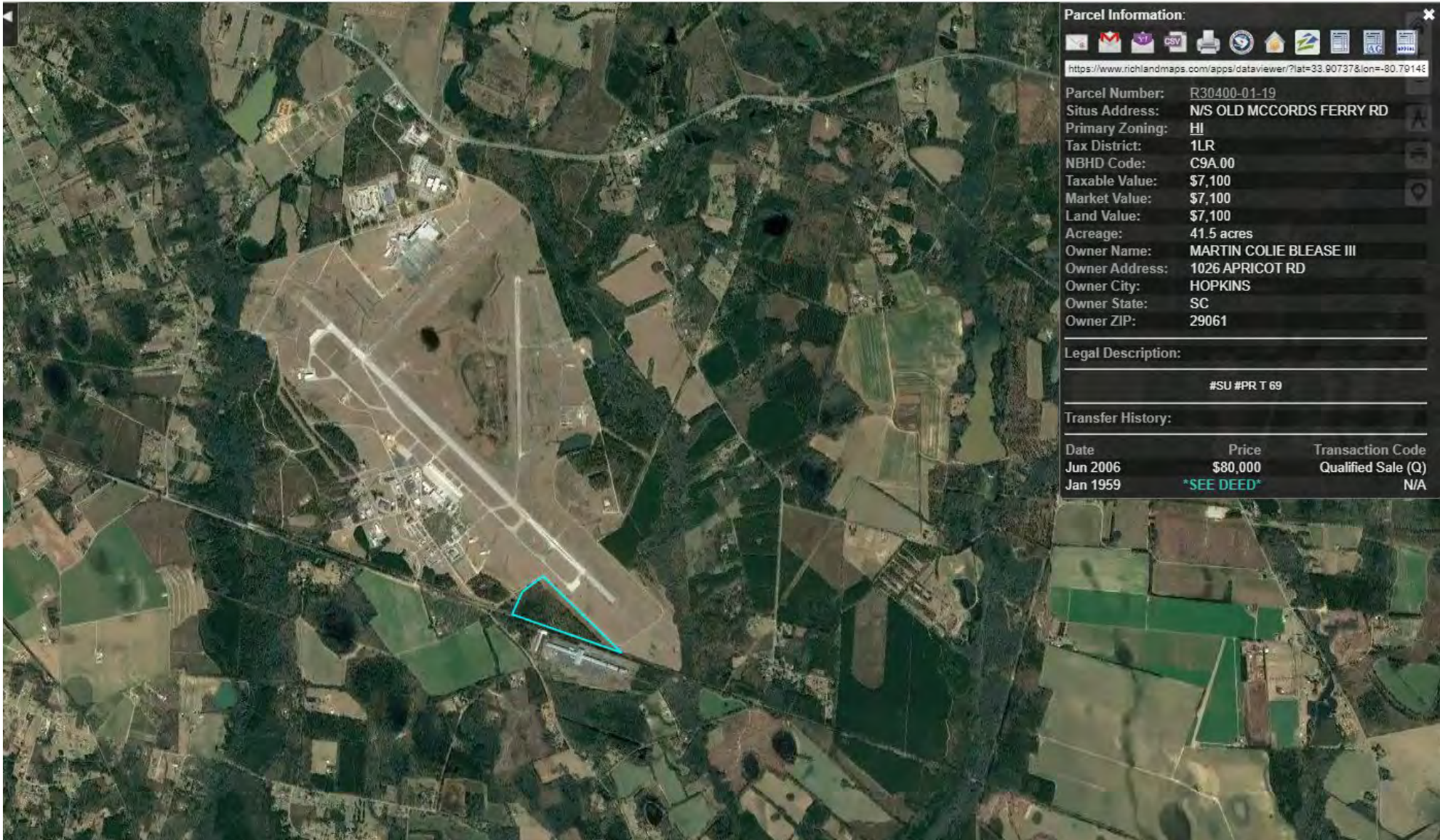
- Goal 1: Foster Good governance
 - Objective 1.5: Collaborate with other governments

ADDITIONAL COMMENTS FOR CONSIDERATION:

At its November 15, 2022 Regular Session meeting, County Council unanimously approved a similar request.

ATTACHMENTS:

1. Colie-Martin Tract Map
2. Page 32 of 2018 Establishment and Maintenance of Permanent Improvement Projects
3. Correspondence from Mr. Steven Bewley
4. Draft Letter of Support



Parcel Information:

<https://www.richlandmaps.com/apps/dataviewer/?lat=33.90737&lon=-80.79148>
 Parcel Number: R30400-01-19
 Situs Address: N/S OLD MCCORDS FERRY RD
 Primary Zoning: HI
 Tax District: 1LR
 NBHD Code: C9A.00
 Taxable Value: \$7,100
 Market Value: \$7,100
 Land Value: \$7,100
 Acreage: 41.5 acres
 Owner Name: MARTIN COLIE BLEASE III
 Owner Address: 1026 APRICOT RD
 Owner City: HOPKINS
 Owner State: SC
 Owner ZIP: 29061

Legal Description:

#SU #PR T 69

Transfer History:

Date	Price	Transaction Code
Jun 2006	\$80,000	Qualified Sale (Q)
Jan 1959	*SEE DEED*	N/A

The subject property (R30400-01-19) consists of 41.5± acres of land located adjacent to the southern portion of the McEntire Joint National Guard Base runway. 20± acres are unencumbered, while 11.5± acres are encumbered with an existing Clear Zone Easement.

acquisitions on its website at <https://procurement.sc.gov/construction/ose-contracts>. The Phase I environmental study must conform to the requirements published by the Office of State Engineer at https://procurement.sc.gov/files/SFAA_Policy_for_Obtaining_Environmental_Studies_for_Land_Acquisition_2015.pdf. The agency should consult with the Office of State Engineer for other requirements applicable to the contract for environmental services, particularly in connection with the State Engineer's small A&E contract procedure. If the property under consideration contains any building, an asbestos survey with an estimated abatement cost must be furnished with the submission. If the environmental consultant recommends a Phase II environmental study and the agency determines to further proceed with the acquisition, the Phase II study must be undertaken. The original environmental studies must be submitted to the Capital Budget Office along with the Final Land Acquisition request. Depending on the circumstances and findings documented in the Phase I environmental study, the Capital Budget Office may request a determination from the Department of Health and Environmental Control verifying the conclusions of the environmental study; in that event, the agency is responsible for obtaining the determination. The Capital Budget Office will forward the environmental studies to the Division of Facilities Management and Property Services for review and recommendation.

BUILDING CONDITION ASSESSMENT

A Phase I building condition assessment is required if the acquisition includes any building contemplated for occupancy by state employees or the public. The assessment must be conducted by a firm qualified by the Office of State Engineer, which makes available a list of firms qualified to perform building condition assessments at <https://procurement.sc.gov/files/Mailing%20List%20rev%2071817.pdf>. The building condition assessment must conform to the requirements published by the Office of State Engineer at <https://procurement.sc.gov/files/SFAA%20BldgCondAssessPolicy%203-28-17.doc>. The original building condition assessment must be submitted to the Capital Budget Office along with the Final Land Acquisition request. The Capital Budget Office will forward the building condition assessment to the Division of Facilities Management and Property Services for review and recommendation.

LETTERS OF LOCAL SUPPORT

If a land acquisition will result in property being exempt from taxation where it had not been previously, final land acquisition requests must include a letter of support from both the County and City Council(s) within whose county the property resides and the School Board(s) within whose district the affected property resides when the transaction will result in property being removed from the tax rolls.⁹

CAPITAL BUDGET OFFICE REVIEW

Once the Preliminary Land Acquisition items are obtained and the proposed land acquisition is ready for Final Land Acquisition review, the Form A-1 and supporting documents, along with the original appraisal, environmental studies, building condition assessment, letters of support from the local city and/or county and school district, and any other investigative reports must be forwarded to the Capital Budget Office for review and determination of compliance with standards and guidelines. Additionally, the Capital Budget Office will forward some of these items to the Division of Facilities Management and Property Services for their review and recommendation. The Capital Budget Office may request additional information to supplement these reports.

Following the review and approval of the Capital Budget Office, the agency may undertake negotiation of the purchase price with the seller for not more than the appraised value of the property.

INFORMATION REQUIRED FOR JBRC AND AUTHORITY SUBMISSION

After the purchase price has been negotiated, the agency must obtain all requisite approvals before the purchase can be closed, including those required by statute or source of funds, or those of governing boards or the Commission on Higher Education as applicable to the agency and transaction. These approvals must be obtained prior to submission of the purchase request to the Joint Bond Review

⁹ Joint Bond Review Committee policy adopted December 3, 2014.

From: [BEWLEY, STEVEN L CIV USAF ANG 169 CES/CES](#)
To: [ASHIYA MYERS](#)
Cc: [LEONARDO BROWN](#)
Subject: RE: Possible state land purchase
Date: Thursday, March 7, 2024 12:42:37 PM
Attachments: [Colie-Martin Tract map.pdf](#)

What do you guys specifically need from me?

The reason is exactly the same as the last request.

Reason for purchase: Air Force airfield Clear Zones begin at the end of the runway for airfields operated by the Air Force and are rectangles that run along the extended centerline of the runway. Installations previously granted permission for reduced size Clear Zones for their Class B runways will now reflect the standard 3000 foot x 3000 foot Clear Zones in all Air Installations Compatible Use Zones (AICUZ) studies. (Air Force Instruction 32-7063 Air Installation Compatible Use Program)

I have attached a graphic for location. (basically, also, the same as last request)

v/r

Steven Bewley
Real Property Manager/169th CES
McEntire JNGB, SC 29044
(803) 647-8475
DSN 583-8475

From: ASHIYA MYERS <MYERS.ASHIYA@richlandcountysc.gov>
Sent: Thursday, March 7, 2024 11:35 AM
To: BEWLEY, STEVEN L CIV USAF ANG 169 CES/CES <steven.bewley.3@us.af.mil>
Cc: LEONARDO BROWN <BROWN.LEONARDO@richlandcountysc.gov>
Subject: [Non-DoD Source] RE: Possible state land purchase

Good Morning, Mr. Bewley:

Yes, Mr. Brown and I are still good points of contact for your request.

Best,

Ashiya A. Myers, MAT

Assistant to the County Administrator
Richland County Government
Administration
Myers.Ashiya@richlandcountysc.gov

P 803-576-2066 F 803-576-2137

From: BEWLEY, STEVEN L CIV USAF ANG 169 CES/CES <steven.bewley.3@us.af.mil>
Sent: Thursday, March 7, 2024 10:39 AM
To: ASHIYA MYERS <MYERS.ASHIYA@richlandcountysc.gov>
Subject: FW: Possible state land purchase

Ma'am,

Are you and Mr. Brown still good PoC's for providing another letter of support for another potential state land purchase near McEntire JNGB?

I have attached the last one completed for reference.

v/r

Steven Bewley
Real Property Manager/169th CES
McEntire JNGB, SC 29044
(803) 647-8475
DSN 583-8475

From: BEWLEY, STEVEN L CIV USAF ANG 169 CES/CES
Sent: Thursday, October 27, 2022 1:08 PM
To: Myers.Ashiya@richlandcountysc.gov
Subject: FW: Possible state land purchase

Ma'am,

A couple years ago you helped get the attached support letter accomplished. We are looking to have the state purchase a smaller tract (R30400-01-17) for the same reason.

Mr. Brown sent me the email below. I do not remember sending a formal letter. Would you be able to help with this?

Reason for purchase: Air Force airfield Clear Zones begin at the end of the runway for airfields operated by the Air Force and are rectangles that run along the extended centerline of the runway. Installations previously granted permission for reduced size Clear Zones for their Class B runways will now reflect the standard 3000 foot x 3000 foot Clear Zones in all Air Installations Compatible Use Zones (AICUZ) studies. (Air Force Instruction 32-7063 Air Installation Compatible Use Program)

I have also included a graphic showing the parcels location.

Let me know if I need to send anything else in.

Thanks in advance.

v/r

Steven Bewley

Real Property Manager/169th CES
McEntire JNGB, SC 29044
(803) 647-8475
DSN 583-8475

From: LEONARDO BROWN <BROWN.LEONARDO@richlandcountysc.gov>
Sent: Wednesday, October 26, 2022 12:45 PM
To: BEWLEY, STEVEN L CIV USAF ANG 169 CES/CES <steven.bewley.3@us.af.mil>
Subject: [URL Verdict: Neutral][Non-DoD Source] FW: Possible state land purchase

Good afternoon,

I hope that things are well with you. If I recall correctly, you submitted a written request for a letter of support and explained your purpose for the acquisition of the land. You simply need to do that, and I will present it to my Council. If you can get me the information by Tuesday of next week, I should be able to get it before my Council during the second scheduled meeting in November.

LEONARDO BROWN, MBA, CPM

County Administrator
Richland County Government
County Administration Office
brown.leonardo@richlandcountysc.gov

P 803-576-2054 O 803-576-2059

2020 Hampton St.
Columbia, SC 29204
www.richlandcountysc.gov

“Striving for Excellence”

Confidential and Privileged:

Unless otherwise indicated or obvious from the nature of the communication, the information contained herein may be privileged and confidential information/work product. The communication is intended for the use of the individual or entity named above. If the reader of this transmittal is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited.

If you have received this communication in error or are not sure whether it is privileged, please immediately notify me by return email and destroy any copies, electronic, paper or otherwise, which you may have of this communication.

From: BEWLEY, STEVEN L CIV USAF ANG 169 CES/CES <steven.bewley.3@us.af.mil>
Sent: Thursday, October 6, 2022 12:39 PM
To: LEONARDO BROWN <BROWN.LEONARDO@richlandcountysc.gov>
Subject: Possible state land purchase

Sir,

We are trying to have the state purchase another piece of land near McEntire JNGB.

2 years ago we tried to get a larger tract and I was wondering how to get an updated copy of the attached letter from your office.

The parcel in question is TMS# R30400-01-17

Let me know if you have any questions or if I need to contact someone else.

v/r

Steven Bewley

Real Property Manager/169th CES

McEntire JNGB, SC 29044

(803) 647-8475

DSN 583-8475

**RICHLAND COUNTY GOVERNMENT
ADMINISTRATION**

2020 Hampton Street, Suite 4069, Columbia, SC 29204
P 803-576-2050 | F 803-576-2137 | TDD 803-576-2045
richlandcountysc.gov

Attachment 4



March 25, 2024

Jennifer Lopresti
Capital Budgeting and Planning
Executive Budget Office
South Carolina Department of Administration
1205 Pendleton Street, Suite 529
Columbia, SC 29201

RE: Request for Support - McEntire JNGB – Land Acquisition – TMS# R30400-01-19

Dear Ms. Lopresti:

On April 09, 2024, Richland County Council voted in support of the land acquisition to assist with existing Clear Zone challenges to the installation's south clear zone in the vicinity of the property. The land purchase will allow the installation to achieve increased aircraft recovery potential, as well as pilot and civilian population survivability/safety.

Richland County acknowledges the purchase of this property as the removal thereof from the tax rolls.

Sincerely,

Leonardo Brown, MBA, CPM
County Administrator

Enclosures

Henry McMaster GOVERNOR
Robert M. Kerr DIRECTOR
P.O. Box 8206 > Columbia, SC 29202
www.scdhhs.gov

March 8, 2024

Mr. Leonardo Brown, County Administrator
Richland County Government
County Administration Office
2020 Hampton Street
Columbia, SC 29204

Dear Administrator Brown,

I am writing in support of the proposed floor plan and design of the space for the South Carolina Department of Health and Human Services (SCDHHS) at the future Family Service Center.

We had the opportunity to meet with Richland County Council staff to discuss and design our space needs. Your team was open to our suggestions and accommodated our space needs, which will allow SCDHHS to serve more efficiently those who seek our services. We also believe the location, which is centrally located on public transportation routes, will allow additional access for those who depend on public transportation.

We fully support the efforts of Richland County Council in seeking approval of the Columbia Mall Plan Design for the Family Service Center.

Thank you for the opportunity to participate in the planning and design of the space for SCDHHS.

Sincerely,



Robert M. Kerr





HENRY McMASTER, GOVERNOR
MICHAEL LEACH, STATE DIRECTOR

March 9, 2024

Mr. Leonardo Brown, County Administrator
Richland County Government
2020 Hampton Street
Columbia, South Carolina 29204

Dear Administrator Brown,

I am writing to express my approval and satisfaction with the design and floor plan/ layout proposed for the Richland County DSS office. I am pleased to inform you that our review has determined the proposed design aligns well with current DSS expectations and needs. The attention to detail and the thoughtful arrangement of spaces truly reflects a thorough understanding of our needs.

The incorporation of capacity for future, flexible space, as well as the intentional inclusion of areas designated for our clients that require special assistance, such as youth that come into our care when an immediate placement has not yet been secured, demonstrates an understanding of our comprehensive facility needs as well as an apparent commitment to ensuring that the design meets all necessary criteria for our unique operational scope. I appreciate the collaborative approach taken to achieve this result and your responsiveness to DSS feedback, and I am gratified by your inclusion of our DSS State Office and Richland County leaders throughout the planning process. This will help us continue to meet the needs of Richland County's citizens in a space that demonstrates the county's commitment to good government service for its constituents.

Please allow this letter to provide my grateful approval of the proposed floor plan and layout, and please proceed with the next steps accordingly. Let me know if you need anything further from us.

Thank you once again for your professionalism and communication. I look forward to seeing the vision come to life.

Warm regards,

A handwritten signature in black ink, appearing to read "Michael Leach", written over a light blue horizontal line.

Michael Leach, State Director
South Carolina Department of Social Services



Seema Shrivastava-Patel, Chairman
Robert R. Morgan, Jr., MD, MBA, Vice-Chairman
Charles M. Joye, II, P.E., Secretary

Board:
J.B. (Sonny) Kinney
Morris E. Brown, III, MD, FAAFP
William D. Richmond, MD

March 11, 2024

Dear Council Members,

It is with great pleasure that I offer my full support of the proposed plans for the new Richland County Family Services Center on behalf of the South Carolina Department of Health and Environmental Control (DHEC). I am thankful for Richland County's support of our work, and the continued open, collaborative process throughout the planning stages of this beneficial initiative.

As public health continues to grow and evolve, so do the needs of our citizens and communities that we have the pleasure of serving every day. The plans for the new Family Services Center are perfectly suited for our needs to continue to provide much-needed public health services to Richland County.

I as well as subject matter experts from our clinical services team have reviewed the plans, and we are confident that they meet all of our needs to not only maintain but improve upon the services we offer on a daily basis. This new facility will allow us to operate more efficiently and effectively and will benefit the citizens of Richland County for years to come. Having multiple state agencies collocated will also be of benefit to those we serve.

Administrator Brown and his staff have been outstanding to work with throughout this process, and it has truly been a shining example of efficient government collaboration. Thank you for your continued service to the citizens of Richland County! We look forward to continuing to work with you to bring this project to completion.

Sincerely,
Ed

Edward Simmer, MD, MPH, DFAPA

Director, South Carolina Department of Health and Environmental Control

Richland County Council Request for Action

Subject:

An Ordinance amending the Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; by adding Article VII entitled "Short-Term Rentals" so as to establish certain requirements for properties being used as short-term rentals, to define necessary terms, and to provide penalties

Notes:

February 27, 2024 – The D&S Committee recommended Council approve the attached short-term rental (STR) ordinance to ensure proper regulation practices are conducted for this industry type.

First Reading: March 5, 2024

Second Reading: March 19, 2024

Third Reading:

Public Hearing:



Agenda Briefing

Prepared by:	Zach Cavanaugh	Title:	Division Manager
Department:	Community Planning & Development	Division:	Business Service Center
Date Prepared:	February 6, 2024	Meeting Date:	February 27, 2024
Legal Review	Christopher Ziegler via email	Date:	February 12, 2024
Budget Review	Maddison Wilkerson via email	Date:	February 9, 2024
Finance Review	Stacey Hamm via email	Date:	February 9, 2024
Approved for consideration:	Assistant County Administrator	Aric A Jensen, AICP	
Meeting/Committee	Development & Services		
Subject	Short Term Rental Draft Ordinance		

RECOMMENDED/REQUESTED ACTION:

Staff recommends approval of the attached short-term rental (STR) ordinance to ensure proper regulation practices are conducted for this industry type.

Request for Council Reconsideration: Yes

FIDUCIARY:

Are funds allocated in the department’s current fiscal year budget?	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
If not, is a budget amendment necessary?	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No

ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

Currently, adoption of the proposed licensing regulations can be implemented with existing staffing levels because it is anticipated that a relatively small number of STRs will be permitted once the revised County Land Development Code (LDC) goes into effect on March 01, 2024. If the County LDC were modified to allow STRs in more zoning districts, or if State Legislators were to pass a bill preventing local government land use ordinances from proscribing STRs, then additional staffing would be necessary (see estimated cost below).

There are at least three bills before the South Carolina Legislature that, if adopted, would significantly restrict the County's ability to limit short-term rentals. There is no indication that any will pass in the immediate future; but if they did, it is estimated that the Business Service Center would need two additional staff members to implement and manage the Short-Term Rental Licensing program for Richland County. One staff member would be responsible for the in-office needs of the STR ordinance while the second staff member would handle the field compliance aspect thereof.

Estimated Cost if STRs were allowed County-wide:

Assuming two new positions, the first year would cost approximately \$136,000, and subsequent years would start at approximately \$102,000 (see detailed cost breakout below).

Salaries	\$78,669.30 - \$125,820.88
FICA Employer's Share	\$6,018.20
SC Regular Retirement	\$14,601.02
Vehicle	\$27,475
Computers	\$2,800
Monitors	\$1,000
Mobile Devices	\$1,122.72
Membership & Dues	\$200
Training	\$1,000
Desk Phones	\$400
Desk/Chairs	\$2,000
Uniforms and Equipment	\$500
Office Supplies	\$500
Minimum Start-Up Cost Total	\$136,286.24

Cost Breakdown Annual Cost

Salaries	\$78,669.30 - \$125,820.88
FICA Employer's Share	\$6,018.20
SC Regular Retirement	\$14,601.02
Mobile Devices	\$622.72
Membership & Dues	\$200
Training	\$1,000
Uniforms and Equipment	\$500
Office Supplies	\$500
Minimum Annual Cost Total	\$102,111.24

Applicable department/grant key and object codes:

- 1100174000-511100- Salaries & Wages
- 1100174000-512200 - FICA Employer's Share
- 1100174000-513100 - SC Regular Retirement
- 1100174000-531300- Automotive Equipment
- 1100174000-521000- Office Supplies
- 1100174000-529500- Non-Capital Assets Under \$5,000
- 1100174000-526200- Beepers/Cell Phones/Pagers
- 1100174000-521400- Membership & Dues
- 1100174000-526400- Employee Training
- 1100174000-524100- Uniforms & Equipment

OFFICE OF PROCUREMENT & CONTRACTING FEEDBACK:

Not applicable.

COUNTY ATTORNEY'S OFFICE FEEDBACK/POSSIBLE AREA(S) OF LEGAL EXPOSURE:

The legislation proposed by the House would prohibit the County from enforcing an ordinance, regulation, or resolution that would prohibit the rental of a residential dwelling to a short-term guest. If passed, this would not prohibit the establishment of certain requirements to operate a short-term rental so long as an ordinance would not expressly prohibit short-term rentals.

The legislation proposed by the Senate adopts a broader approach by banning the County from prohibiting or *effectively prohibiting* short-term rentals. The language of the bill would only allow the regulation of a short-term rental under certain circumstances. This bill is currently in committee and currently there is no sign of it being called to the floor in the near future. However, if this changes, it would be in the best interest of the County to reassess the ordinance to ensure that any actions undertaken would not conflict with State statutes.

REGULATORY COMPLIANCE:

The 2021 Richland County Land Development Code (LDC) allows short-term rentals (STR) in certain limited zoning designations. Council previously provided direction to have a business license ordinance in place to assure that STRs met basic safety and operational standards, and so that appropriate licensing fees were collected. This ordinance was previously considered and deferred by the Committee until current bills before the State Legislature were completed or it was determined that they would not conflict with this proposed ordinance. As previously stated, there are three bills introduced at the State Legislature that could affect how STRs are regulated. All three would effectively prevent the County from proscribing STRs, but none of them as drafted would prevent the County from licensing them and assessing a reasonable licensing tax.

The proposed STR ordinance has been prepared in consultation with the County Attorney's Office, the Building Inspections Department, and the Emergency Services Department to assure compliance with applicable State statutes, building codes, and life-safety codes. The Committee may request an opinion from the County Attorney if it has any concerns regarding potential legal conflicts.

MOTIONS OF ORIGIN:

1. "Direct the Administrator to create regulations for the operation of Short-Term Rentals (STRs) in unincorporated Richland County. Those regulations would be listed as an amendment to the current Ordinance relating to residential rental property regulations similar to the Absentee Landlord Ordinance that is currently being considered. Consideration should be given to licensing, safety measures, number of occupants allowed, effects on infrastructure such as sewer and water, EMS and Law Enforcement potential response and not having them create a nuisance in the neighborhood." [The Honorable Bill Malinowski, formerly of District 1, 06 December 2022]
2. "Direct the County Administrator to work with staff to ensure the proposed Short-Term Rental Ordinance requires each homeowner who wishes to provide a short-term rental to obtain a business license and pay accommodation taxes." [The Honorable Bill Malinowski, formerly of District 1, (Terracio), 03 January 2023]

Council Member	The Honorable Bill Malinowski, Formerly of District 1, and the Honorable Allison Terracio, District 5
Meeting	Regular Session
Date	January 3, 2023

STRATEGIC & GENERATIVE DISCUSSION:

The Richland County Short-Term Rental (STR) ordinance draft is a combination of the City of Columbia's newly adopted ordinance and the time-tested Hilton Head Islands ordinance. Sections from both ordinances were used to create Richland County's ordinance which aligns with the current capabilities within the Business Service Center along with the STR business community.

By adopting a STR ordinance, Richland County would gain the ability to collect revenue and oversee the operation of STRs within unincorporated Richland County. This will ensure Richland County is promoting public safety by mitigating, to certain extent, public nuisance complaints and other issues resulting from STR operations. The STR ordinance as drafted would specifically generate business license tax and local accommodation tax revenue.

The proposed STR ordinance would require owners and operators of an STR to obtain a Richland County business license if the STR unit is located within unincorporated Richland County, along with the collection and remittance of Local Accommodation Tax (3%) each month. This is the same requirement already in place for hotel/motels operating in unincorporated Richland County.

The increased business license tax revenue from the STR program is projected to be \$70,800 annually if 500 short term rentals are licensed with an annual gross revenue of \$100,000.

The increased revenue from local accommodation taxes from 500 licensed STRs with an annual gross revenue of \$100,000 is projected to be \$1,500,000.

If Richland County does not pass a STR ordinance, it would forego the annual collection of business license tax revenue and monthly local accommodation tax revenue, and the County's ability to regulate and ameliorate nuisance complaints would be curtailed.

ASSOCIATED STRATEGIC GOAL, OBJECTIVE, AND INITIATIVE:

Objective 1.5 - Collaborate with other governments: Richland County collaborated with multiple governmental agencies who already have and operate STR programs to develop the proposed ordinance draft.

Objective 3.1 - Align budget to priorities and seek alternative revenue sources: Adopting a STR ordinance would allow Richland County to collect additional business license and local accommodation tax revenue.

ATTACHMENTS:

1. Richland County Short-Term Rental (STR) Ordinance Draft
2. House Bill 3253
3. House Bill 4573
4. Senate Bill 953

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-23HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 16, LICENSES AND MISCELLANEOUS BUSINESS REGULATIONS; BY ADDING ARTICLE VII ENTITLED "SHORT-TERM RENTALS" SO AS TO ESTABLISH CERTAIN REQUIREMENTS FOR PROPERTIES BEING USED AS SHORT-TERM RENTALS, TO DEFINE NECESSARY TERMS, AND TO PROVIDE PENALTIES.

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 16, is hereby amended by adding:

ARTICLE VII. SHORT-TERM RENTALS

Section 16-80. Unless otherwise specified, the requirements and provisions of this article shall apply to owner-occupied and non-owner-occupied short-term rentals (collectively called "short-term rentals") made available to occupants for periods of less than 30 consecutive days in the unincorporated area of Richland County. This article does not apply to rentals rented for a period of more than thirty (30) days or hotels, motels, bed and breakfast establishments, or inns that are subject to and compliant with the County's business license and other applicable Code requirements.

Section 16-81. (a) Unless otherwise expressly stated, the following terms shall, for the purposes of this article, mean:

- (1) Citation means a charge or formal written accusation of violation of a county, state or federal law, regulation or ordinance.
- (2) Guest means any person who occupies a short-term rental.
- (3) Overnight occupancy means the occupancy of a premises between the hours of 12:00 am and 7:00 am.

- (4) Owner-occupied means a property that is lawfully classified as owner-occupied by the Richland County Assessor's Office and is receiving the four percent special assessment ratio.
- (5) Non-owner occupied means a property that is not classified as owner-occupied by the Richland County Assessor's Office and is primarily used for rent for transient occupancy by guests.
- (6) Responsible local representative means a person having his or her place of residence or business office within 45 miles of the short-term rental property and designated by the property owner as the agent responsible for operating such property or portion of property in compliance with the county's ordinances and having been authorized by appointment to accept service of process on behalf of the owner pursuant to Rule 4(d)(1) of the South Carolina Rules of Civil Procedure.
- (7) Short-term rental means leasing of a short-term rental property or permitting the occupancy of a short-term rental property or other property by a lease or any other form of agreement. Hotels, motels, bed and breakfast establishments, and inns are excluded from this definition.
- (8) Short-term rental property means any residential property, either owner occupied or non-owner occupied, in the unincorporated area of Richland County that, in whole or in part, is offered for lease or occupancy under a lease or any other form of agreement for periods of less than thirty (30) days.
- (9) Transient occupancy means the lease or occupancy of a guest for a period of not more than thirty (30) consecutive days.

Section 16-82. The following regulations apply to all properties being used as a short-term rental in the unincorporated area of Richland County:

- (a) Any advertisement for a short-term rental by the owner or responsible local representative is deemed sufficient to determine that a property or portion of a property is being offered as a short-term rental.
- (b) The owner or responsible local representative offering a property or portion of a property as a short-term rental shall obtain a business license and comply with all

business license and revenue collection laws of the Richland County and State of South Carolina.

- (c) The owner or responsible local representative of a permitted short-term rental shall ensure the short-term rental property complies with all County ordinances at all times
- (d) A safety inspection to ensure compliance with the provisions of this Article may be performed by the County or its designated third-party as deemed necessary by the County. The County must provide the owner or responsible local representative with 24-hour notice unless a serious violation of a county, state or federal law, regulation or ordinance exists and immediate remediation is necessary to protect the health, safety, and welfare of the immediate area.
- (e) The property owner or responsible local representative shall maintain the following which shall be made available to the County upon request:
 - (1) For a period of two years, records demonstrating compliance with these provisions, including but not limited to, information demonstrating residency, if required, and the number of days per calendar year the residential unit has been rented as a short-term rental; and
 - (2) The name and phone number of each short-term guest that booked the short-term rental for the previous two years.
- (f) The property owner or responsible local representative must be willing to take phone calls at all times to address issues with the short-term rental. The responsible local representative must be authorized to accept service of process on behalf of the owner.
- (g) The guest making the booking or reservation for a short-term rental shall be at least 18 years of age.
- (h) The short-term rental shall not be available for occupancy for a period of less than one night.
- (i) At a minimum, the following shall be made available in written form to each short-term guest:
 - (1) Emergency contact numbers

- (2) The name and contact information for the owner or responsible local representative;
 - (3) Instructions or a diagram of the designated parking spaces; and
 - (4) All short-term rental property rules imposed on guests by the owner.
- (j) Two parking spaces per short-term rental property must be made available and designated. Guests must be notified of the parking plan and the maximum number of vehicles allowed.
 - (k) The maximum overnight occupancy of a short-term rental shall not exceed two persons, excluding minor children, per bedroom, as defined in the International Building Code, plus two additional people per dwelling unit.
 - (l) The owner or responsible local representative shall be responsible for determining that any guest occupying the short-term rental is listed in the booking or reservation for the short-term rental.

Section 16-83. Violations

- (a) It is a violation of this Article to:
 - (1) lease or advertise a property or portion of a property as a short-term rental without first complying with the requirements of this Article; or
 - (2) otherwise fail to comply with a requirement of this Article.
- (b) In addition to appropriate civil and equitable remedies for the enforcement of this Article, an owner or responsible local representative who violates the provisions of this Article is deemed guilty of an infraction. An infraction is subject to punishment under the general penalty provisions of Section 1-8 of this Code of Ordinances. Each day of violation is considered a separate offense.

SECTION II. Effective Date. This ordinance shall be enforced from and after _____
_____.

RICHLAND COUNTY COUNCIL

By: _____
Overture Walker, Chair

Attest this _____ day of
_____, 2023.

Anette Kirylo
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:

South Carolina General Assembly
125th Session, 2023-2024

H. 3253**STATUS INFORMATION**

General Bill

Sponsors: Reps. Hewitt, Oremus, Kilmartin, May, Atkinson, Hayes, Connell, Hager, Kirby, Bailey, Schuessler, Haddon and Robbins

Document Path: LC-0082PH23.docx

Introduced in the House on January 10, 2023

Currently residing in the House

Summary: Short-term rentals

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number
12/8/2022	House	Prefiled
12/8/2022	House	Referred to Committee on Medical, Military, Public and Municipal Affairs
1/10/2023	House	Introduced and read first time (House Journal-page 110)
1/10/2023	House	Referred to Committee on Medical, Military, Public and Municipal Affairs (House Journal-page 110)
2/1/2023	House	Member(s) request name added as sponsor: J. Moore
2/16/2023	House	Member(s) request name added as sponsor: May, Atkinson, Hayes, Connell, Hager, Kirby, Bailey, Schuessler
2/21/2023	House	Member(s) request name removed as sponsor: J. Moore
3/1/2023	House	Member(s) request name added as sponsor: Haddon
3/29/2023	House	Member(s) request name added as sponsor: Robbins

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VERSIONS OF THIS BILL

12/08/2022

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A BILL

11 TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 6-1-195 SO AS
12 TO PROHIBIT A GOVERNING BODY OF A MUNICIPALITY, COUNTY, OR OTHER
13 POLITICAL SUBDIVISION OF THE STATE FROM ENACTING OR ENFORCING AN
14 ORDINANCE, RESOLUTION, OR REGULATION THAT PROHIBITS THE RENTAL OF A
15 RESIDENTIAL DWELLING TO A SHORT-TERM GUEST, TO PROVIDE PENALTIES, AND TO
16 DEFINE TERMS.

17
18 Be it enacted by the General Assembly of the State of South Carolina:

19
20 SECTION 1. Article 1, Chapter 1, Title 6 of the S.C. Code is amended by adding:

21
22 Section 6-1-195. (A) Notwithstanding another provision of law, a governing body of a
23 municipality, county, or other political subdivision of the State may not enact or enforce an ordinance,
24 resolution, or regulation that prohibits the rental of a residential dwelling to a short-term guest.

25 (B) A municipality, county, or other political subdivision of the State that enacts or enforces an
26 ordinance, resolution, or regulation that violates the provisions of subsection (A) may not:

27 (1) assess or collect the six percent property assessment ratio for qualifying real property pursuant
28 to Section 12-43-220(e); and

29 (2)(a) receive any distributions from the Local Government Fund pursuant to Chapter 27, Title 6;
30 and

31 (b) the Office of the State Treasurer shall withhold the municipality's, county's, or political
32 subdivision's State Aid to Subdivisions Act distribution until the ordinance, resolution, or regulation
33 in violation of subsection (A) is repealed.

34 (C) This section supersedes and preempts any ordinance, resolution, or regulation enacted by a
35 municipality, county, or other political subdivision of the State that purports to prohibit the rental of a
36 residential dwelling to a short-term guest.

37 (D) For purposes of this section:

38 (1) "Residential dwelling" means any building, structure, or part of the building or structure, that
39 is used or intended to be used as a home, residence, or sleeping place by one or more persons to the
40 exclusion of all others.

41 (2) "Short term rental" means a residential dwelling that is offered for rent for a fee and for fewer

1 than twenty-nine consecutive days.

2 (3) “Short term guest” means a person who rents a short-term rental.

3

4 SECTION 2. This act takes effect upon approval by the Governor.

5

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South Carolina General Assembly
125th Session, 2023-2024

H. 4573

STATUS INFORMATION

General Bill
Sponsors: Reps. Hewitt and Clyburn
Document Path: LC-0447WAB24.docx

Introduced in the House on January 9, 2024
Currently residing in the House Committee on **Medical, Military, Public and Municipal Affairs**

Summary: The Private Property Protection Act of 2024

HISTORY OF LEGISLATIVE ACTIONS

<u>Date</u>	<u>Body</u>	<u>Action Description with journal page number</u>
11/16/2023	House	Prefiled
11/16/2023	House	Referred to Committee on Medical, Military, Public and Municipal Affairs
1/9/2024	House	Introduced and read first time (House Journal-page 86)
1/9/2024	House	Referred to Committee on Medical, Military, Public and Municipal Affairs (House Journal-page 86)

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VERSIONS OF THIS BILL

11/16/2023

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A BILL

11 TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE “PRIVATE
12 PROPERTY PROTECTION ACT OF 2024”; AND BY ADDING SECTION 6-1-195 SO AS TO
13 PROHIBIT A GOVERNING BODY OF A MUNICIPALITY, COUNTY, OR OTHER POLITICAL
14 SUBDIVISION OF THE STATE FROM ENACTING OR ENFORCING AN ORDINANCE,
15 RESOLUTION, OR REGULATION THAT PROHIBITS THE RENTAL OF A RESIDENTIAL
16 DWELLING TO A SHORT-TERM GUEST, TO PROVIDE PENALTIES, AND TO DEFINE
17 TERMS.
18

19 Be it enacted by the General Assembly of the State of South Carolina:

20
21 SECTION 1. This act may be cited as the “Private Property Protection Act of 2024”.

22
23 SECTION 2. Article 1, Chapter 1, Title 6 of the S.C. Code is amended by adding:

24
25 Section 6-1-195.(A) Notwithstanding another provision of law, a governing body of a municipality,
26 county, or other political subdivision of the State may not enact or enforce an ordinance, resolution, or
27 regulation that prohibits the rental of a residential dwelling to a short-term guest.

28 (B) A municipality, county, or other political subdivision of the State that enacts or enforces an
29 ordinance, resolution, or regulation that violates the provisions of subsection (A) may not:

30 (1) assess or collect the six percent property assessment ratio for qualifying real property pursuant
31 to Section 12-43-220(e); and

32 (2)(a) receive any distributions from the Local Government Fund pursuant to Chapter 27, Title 6;
33 and

34 (b) the Office of the State Treasurer shall withhold the municipality’s, county’s, or political
35 subdivision’s State Aid to Subdivisions Act distribution until the ordinance, resolution, or regulation
36 in violation of subsection (A) is repealed.

37 (C) This section supersedes and preempts any ordinance, resolution, or regulation enacted by a
38 municipality, county, or other political subdivision of the State that purports to prohibit the rental of a
39 residential dwelling to a short-term guest.

40 (D) For purposes of this section:

41 (1) “Residential dwelling” means any building, structure, or part of the building or structure, that

1 is used or intended to be used as a home, residence, or sleeping place by one or more persons to the
2 exclusion of all others.

3 (2) "Short-term rental" means a residential dwelling that is offered for rent for a fee and for fewer
4 than twenty-nine consecutive days.

5 (3) "Short-term guest" means a person who rents a short-term rental.

6

7 SECTION 3. This act takes effect upon approval by the Governor.

8

----XX----

South Carolina General Assembly
125th Session, 2023-2024

S. 953

STATUS INFORMATION

General Bill

Sponsors: Senators Adams, Hutto, Senn, Reichenbach, Kimbrell and Talley

Document Path: SR-0457KM23.docx

Introduced in the Senate on January 11, 2024

Currently residing in the Senate

Summary: Short-Term Rentals

HISTORY OF LEGISLATIVE ACTIONS

<u>Date</u>	<u>Body</u>	<u>Action Description with journal page number</u>
1/11/2024	Senate	Introduced and read first time (Senate Journal-page 4)
1/11/2024	Senate	Referred to Committee on Judiciary (Senate Journal-page 4)
1/16/2024		Scrivener's error corrected

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VERSIONS OF THIS BILL

01/11/2024

01/16/2024

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A BILL

11 TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 6-1-2100 SO AS
12 TO PROVIDE DEFINITIONS RELATED TO LODGING MARKETPLACES; BY ADDING
13 SECTION 6-1-2110 SO AS TO PROHIBIT A GOVERNING BODY FROM PROHIBITING
14 SHORT-TERM RENTALS EXCEPT UNDER CERTAIN CIRCUMSTANCES; BY AMENDING
15 SECTION 6-1-510, RELATING TO DEFINITIONS CONCERNING LOCAL
16 ACCOMMODATIONS TAXES, SO AS TO INCLUDE OPERATORS OF LODGING
17 MARKETPLACES IN THE DEFINITION OF LOCAL ACCOMMODATIONS TAX; BY
18 AMENDING SECTION 6-1-520, RELATING TO THE IMPOSITION OF LOCAL
19 ACCOMMODATIONS TAX, SO AS TO PROVIDE THAT LOCAL GOVERNING BODIES
20 IMPOSING A LOCAL ACCOMMODATIONS TAX MUST NOTIFY THE DEPARTMENT OF
21 REVENUE AND THE STATE TREASURER; BY AMENDING SECTION 6-1-570, RELATING TO
22 REMITTING TAX TO A LOCAL GOVERNING BODY, SO AS TO PROVIDE THAT LOCAL
23 ACCOMMODATIONS TAXES MUST BE COLLECTED, REMITTED, AND ADMINISTERED IN
24 THE SAME MANNER AS IN SECTION 12-36-920; BY AMENDING SECTION 6-1-620,
25 RELATING TO DEFINITIONS RELATED TO THE BEACH PRESERVATION ACT, SO AS TO
26 INCLUDE RENTALS FACILITATED BY A LODGING MARKETPLACE IN THE DEFINITION
27 OF BEACH PRESERVATION FEE; BY AMENDING SECTION 6-1-630, RELATING TO BEACH
28 PRESERVATION FEES, SO AS TO PROVIDE THAT THE LOCAL GOVERNING BODY
29 ISSUING A TAX PURSUANT TO THIS SECTION MUST NOTIFY THE DEPARTMENT OF
30 REVENUE AND THE STATE TREASURER; BY AMENDING SECTION 6-1-650, RELATING TO
31 NOTICE OF DROPPED RENTAL PROPERTY, SO AS TO EXEMPT LODGING
32 MARKETPLACES; BY AMENDING SECTION 5-7-30, RELATING TO POWERS CONFERRED
33 UPON MUNICIPALITIES, SO AS TO PROVIDE THAT ANY TAXES IMPOSED UPON
34 LODGING ACCOMMODATIONS BE COLLECTED AND ADMINISTERED BY THE
35 DEPARTMENT OF REVENUE IN THE SAME MANNER AS IN SECTION 12-36-920; BY
36 AMENDING SECTION 12-36-70, RELATING TO THE DEFINITION OF “RETAILER” AND
37 “SELLER”, SO AS TO PROVIDE THAT A PERSON OPERATING AS A LODGING
38 MARKETPLACE BE CONSIDERED A “RETAILER” OR “SELLER”; BY ADDING SECTION
39 12-36-72 SO AS TO PROVIDE A DEFINITION FOR A LODGING MARKETPLACE; BY
40 AMENDING SECTION 12-36-920, RELATING TO THE TAX ON ACCOMMODATIONS FOR
41 TRANSIENTS, SO AS TO PROVIDE THAT TRANSACTIONS BY LODGING MARKETPLACES
42 ARE SUBJECT TO THE SEVEN PERCENT SALES TAX; AND BY REPEALING SECTION
43 12-36-922 RELATING TO ACCOMMODATIONS TAX RETURN INFORMATION.
44

45 Be it enacted by the General Assembly of the State of South Carolina:

46

47 SECTION 1. Chapter 1, Title 6 of the S.C. Code is amended by adding:

48

49

Article 10

50

Lodging Marketplaces

Section 6-1-2100. For purposes of this article:

(1) “Effectively prohibit” means the local governing body acts or fails to act in a manner that results in the property owner, lodging operator, or tenant being prevented from using the owner’s property as a short-term rental unit after reasonable compliance with generally applicable laws.

(2) “Local governing body” means the governing body of a city, municipality, county, or other political subdivision of this State that has authority to enact a zoning ordinance, resolution, regulation, rule, or other requirement of any type regarding land use in its jurisdiction.

(3) “Lodging marketplace” means a person or entity that:

(a) provides for consideration, regardless of whether the consideration is deducted as a fee from the transaction, an online application, software, website, system, or other medium, through which short term rentals in this state are advertised or offered to the public as available; and

(b) directly or indirectly provides or maintains a platform for goods or services by providing a payment system that facilitates a transaction between two platform users.

(4) “Lodging accommodations” means any dwelling unit, room, campground space, lodging, or sleeping accommodation furnished to transient guests for consideration.

(5) “Lodging operator” means a person who rents to an occupant any lodging accommodation offered through a lodging marketplace.

(6) “Lodging transaction” means a charge to an occupant by a lodging operator for the occupancy of any lodging accommodation.

(7) “Unaffiliated third party” means a person who is not owned or controlled, directly or indirectly, by the same interests.

(8) “Short-term rental” means any single-family house, dwelling unit, room, or any unit or group of units in a condominium, cooperative or timeshare, or home that is offered for a fee and for less than thirty consecutive days. Short-term rentals do not include a unit that is used for any nonresidential use, including retail, restaurant, banquet space, event center, or another similar use.

Section 6-1-2110. (A) A local governing body shall not prohibit or effectively prohibit short-term rentals within its jurisdictional boundaries.

(B) A local governing body may not:

(1) restrict the use of or regulate short-term rentals based on their classification, use, frequency, or duration; or

(2) enact or enforce a law, ordinance, regulation, or plan that regulates or prohibits short-term rentals unless the law, ordinance, regulation, or plan is enacted to:

(1) protect the public's health and safety, including rules and regulations related to residential fire

1 and building codes, health and sanitation, transportation or traffic control, noise levels, solid or
2 hazardous waste and pollution control, and designation of an emergency point of contact, if the local
3 governing body demonstrates that the rule or regulation is for the primary purpose of protecting the
4 public's health and safety, provided that enforcement would not expressly or effectively prohibit or
5 limit the use of a property as a short-term rental, and provided that the regulation is enforced by the
6 local governing body in the same manner as for similar properties that are not short-term rentals;

7 (2) require the registration of a short-term rental with the local governing body prior to the
8 commencement of operations. Local governing bodies may impose a fine for failure to register under
9 the registration program; or

10 (3) limit or prohibit the use of short-term rentals for the purposes of housing sex offenders,
11 operating or maintaining a structured, sober-living home, selling illegal drugs, liquor control, or
12 pornography, obscenity, nude or topless dancing, and other adult-oriented businesses.

13 (C) The local governing body shall not:

14 (1) regulate the operation of a lodging marketplace; or

15 (2) require a lodging marketplace to provide personally identifiable information of users without
16 an administrative subpoena or court order.

17 (D) This section does not apply to private entities or homeowners' associations.

18
19 SECTION 2. Section 6-1-510 of the S.C. Code is amended to read:

20
21 Section 6-1-510. As used in this article:

22 (1) "Local accommodations tax" means a tax on the gross proceeds derived from the rental or charges
23 for accommodations furnished to transients as provided in Section 12-36-920(A) and which is imposed
24 on every person engaged or continuing within the jurisdiction of the imposing local governmental body
25 in the business of furnishing accommodations to transients for consideration-, including persons
26 operating as a lodging marketplace as defined in Section 12-36-72.

27 (2) "Local governing body" means the governing body of a county or municipality.

28 (3) "Positive majority" means a vote for adoption by the majority of the members of the entire
29 governing body, whether present or not. However, if there is a vacancy in the membership of the
30 governing body, a positive majority vote of the entire governing body as constituted on the date of the
31 final vote on the imposition is required.

32 (4) "Workforce housing" means residential housing for rent or sale that is reasonably and
33 appropriately priced for rent or sale to a person or family whose income falls within thirty percent and
34 one hundred twenty percent of the median income for the local area, with adjustments for household
35 size, according to the latest figures available from the United States Department of Housing and Urban
36 Development (HUD).

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SECTION 3. Section 6-1-520 of the S.C. Code is amended to read:

Section 6-1-520.(A) A local governing body may impose, by ordinance, a local accommodations tax, not to exceed three percent. However, an ordinance imposing the local accommodations tax must be adopted by a positive majority vote. The governing body of a county may not impose a local accommodations tax in excess of one and one-half percent within the boundaries of a municipality without the consent, by resolution, of the appropriate municipal governing body.

(B) A local governing body that imposes a local accommodations tax shall notify the Department of Revenue and the State Treasurer through delivery of a certified copy of the ordinance adopted by the local governing body imposing the tax at least sixty days prior to the effective date of the ordinance.

(C) All proceeds from a local accommodations tax must be kept in a separate fund segregated from the imposing entity's general fund. All interest generated by the local accommodations tax fund must be credited to the local accommodations tax fund.

SECTION 4. Section 6-1-570 of the S.C. Code is amended to read:

Section 6-1-570. The tax provided for in this article must be collected, remitted, and administered in the same manner as the tax imposed by Section 12-36-920. ~~to the local governing body on a monthly basis when the estimated amount of average tax is more than fifty dollars a month, on a quarterly basis when the estimated amount of average tax is twenty five dollars to fifty dollars a month, and on an annual basis when the estimated amount of average tax is less than twenty five dollars a month.~~

SECTION 5. Section 6-1-620 of the S.C. Code is amended to read:

Section 6-1-620. As used in this article:

(1) "Beach preservation fee" means a fee imposed on the gross proceeds derived from the rental or charges for accommodations furnished to transients for consideration within the jurisdiction of the governing body which are subject to the tax imposed pursuant to Section 12-36-920(A), including rentals facilitated by a lodging marketplace, as defined in Section 12-36-72.

(2) "Governing body" means the governing body of a qualified coastal municipality.

(3) "Qualified coastal municipality" means a municipality bordering on the Atlantic Ocean that has a public beach within its corporate limits and which imposes a local accommodations tax pursuant to Section 6-1-520 that does not exceed one and one-half percent pursuant to the limitations imposed pursuant to Section 6-1-540.

1 SECTION 6. Section 6-1-630 of the S.C. Code is amended to read:

2
3 Section 6-1-630.(A) The governing body of a qualified coastal municipality by ordinance, subject
4 to a referendum, may impose a beach preservation fee not to exceed one percent.

5 (B) Upon the adoption of an ordinance calling for a referendum, the county election commission
6 shall conduct a referendum at the time specified in the ordinance on the question of implementing a
7 one percent beach preservation fee. The state election laws apply to the referendum, mutatis mutandis.
8 The county election commission shall publish the results of the referendum to certify them to the
9 governing body. The beach preservation fee must not be imposed unless a majority of the qualified
10 electors residing in the municipality voting in the referendum vote in favor of the referendum.

11 (C)(1) The ballot must read substantially as follows:

12 “Must an additional one percent beach preservation fee be added to the accommodations tax for the
13 purpose of nourishment, renourishment, maintenance, erosion mitigation, and monitoring of beaches,
14 dune restoration and maintenance, including planting of grass, sea oats, or other vegetation useful in
15 preserving the dune system, and maintenance of public beach accesses within the corporate limits of
16 _____.

17 Yes ____

18 No ____

19 (2) If the question is not approved at the initial referendum, the governing body may, by an
20 ordinance meeting the requirements of this section, call for another referendum on the question.
21 However, following the initial referendum, a referendum for this purpose must not be held more often
22 than once in a twenty-four month period on the Tuesday following the first Monday in November in
23 even-numbered years.

24 (3) Once a week for the four weeks immediately preceding the referendum, the governing body
25 of the municipality shall publish notice in a newspaper of general circulation within the jurisdiction a
26 description of and the specific uses for the beach preservation fee. The governing body also must
27 publish notice on its website in the same manner.

28 ~~(D) The fee authorized by this article is in addition to all other local accommodations taxes imposed~~
29 ~~pursuant to Section 6-1-520 and must not be deemed cumulative with the local accommodations tax or~~
30 ~~fee rate for the purposes of Section 6-1-540.~~ The governing body of a qualified coastal municipality that
31 imposes a beach preservation fee shall notify the Department of Revenue and the State Treasurer
32 through delivery of a certified copy of the ordinance adopted imposing the fee at least sixty days prior
33 to the effective date of the ordinance.

34 (E) The fee authorized by this article is in addition to all other local accommodations taxes imposed
35 pursuant to Section 6-1-520, shall be collected, remitted, and administered in the same manner as the
36 tax imposed by Section 12-36-920, and must be deemed cumulative with the local accommodations tax

1 or fee rate for the purposes of Section 6-1-540.

2 ~~(E)~~(F) All proceeds from the beach preservation fee must be kept in a separate fund segregated from
3 the governing body's general fund. All interest generated by the beach preservation fee fund must be
4 credited to the beach preservation fee fund.

5
6 SECTION 7. Section 6-1-650 of the S.C. Code is amended to read:

7
8 Section 6-1-650. Real estate agents, brokers, corporations, or listing services required to remit fees
9 under this section must notify the appropriate governing body if rental property, previously listed by
10 them, is dropped from their listings. A lodging marketplace, as defined in Section 12-36-72, shall not
11 be subject to this requirement.

12
13 SECTION 8. Section 5-7-30 of the S.C. Code is amended to read:

14
15 Section 5-7-30. (A) Each municipality of the State, in addition to the powers conferred to its specific
16 form of government, may enact regulations, resolutions, and ordinances, not inconsistent with the
17 Constitution and general law of this State, including the exercise of powers in relation to roads, streets,
18 markets, law enforcement, health, and order in the municipality or respecting any subject which appears
19 to it necessary and proper for the security, general welfare, and convenience of the municipality or for
20 preserving health, peace, order, and good government in it, including the authority to levy and collect
21 taxes on real and personal property and as otherwise authorized in this section, make assessments, and
22 establish uniform service charges relating to them, provided that any taxes or surcharges imposed on
23 the rental of accommodations, including, but not limited to taxes or surcharges imposed on the rental
24 of any rooms, campground spaces, lodgings, or sleeping accommodations shall be collected and
25 administered by the South Carolina Department of Revenue in the same manner as the tax imposed by
26 Section 12-36-920; the authority to abate nuisances; the authority to provide police protection in
27 contiguous municipalities and in unincorporated areas located not more than three miles from the
28 municipal limits upon the request and agreement of the governing body of such contiguous municipality
29 or the county, including agreement as to the boundaries of such police jurisdictional areas, in which
30 case the municipal law enforcement officers shall have the full jurisdiction, authority, rights, privileges,
31 and immunities, including coverage under the workers' compensation law, which they have in the
32 municipality, including the authority to make arrests, and to execute criminal process within the
33 extended jurisdictional area; provided, however, that this shall not extend the effect of the laws of the
34 municipality beyond its corporate boundaries; grant franchises for the use of public streets and make
35 charges for them; grant franchises and make charges for the use of public beaches; engage in the
36 recreation function; levy a business license tax on gross income, but a wholesaler delivering goods to

1 retailers in a municipality is not subject to the business license tax unless he maintains within the
2 corporate limits of the municipality a warehouse or mercantile establishment for the distribution of
3 wholesale goods; and a business engaged in making loans secured by real estate is not subject to the
4 business license tax unless it has premises located within the corporate limits of the municipality and
5 no entity which is exempt from the license tax under another law nor a subsidiary or affiliate of an
6 exempt entity is subject to the business license tax; and a business engaged in operating a professional
7 sports team as defined in Section 12-6-3360(M)(17) is not subject to the business license tax; borrow
8 in anticipation of taxes; and pledge revenues to be collected and the full faith and credit of the
9 municipality against its note and conduct advisory referenda. The municipal governing body may fix
10 fines and penalties for the violation of municipal ordinances and regulations not exceeding five hundred
11 dollars or imprisonment not exceeding thirty days, or both. If the person or business taxed pays a
12 business license tax to a county or to another municipality where the income is earned, the gross income
13 for the purpose of computing the tax must be reduced by the amount of gross income taxed in the other
14 county or municipality.

15 (B) For the purpose of providing and maintaining parking for the benefit of a downtown commercial
16 area, a municipality may levy a surtax upon the business license of a person doing business in a
17 designated area in an amount not to exceed fifty percent of the current yearly business license tax upon
18 terms and conditions fixed by ordinance of the municipal council. The area must be designated by
19 council only after a petition is submitted by not less than two-thirds of the persons paying a business
20 license tax in the area and who paid not less than one-half of the total business license tax collected for
21 the preceding calendar year requesting the designation of the area. The business within the designated
22 area which is providing twenty-five or more parking spaces for customer use is required to pay not
23 more than twenty-five percent of a surtax levied pursuant to the provisions of this paragraph.

24 (C) If a local governing body imposes a tax authorized pursuant to this Section, it must notify the
25 Department of Revenue and the State Treasurer through delivery of a certified copy of the ordinance
26 adopted by the local governing body at least sixty days prior to the effective date of the ordinance.

27
28 SECTION 9. Section 12-36-70 of the S.C. Code is amended to read:

29
30 Section 12-36-70. "Retailer" and "seller" include every person:

- 31 (1)(a) selling or auctioning tangible personal property whether owned by the person or others;
32 (b) furnishing accommodations to transients for a consideration, ~~except an individual furnishing~~
33 ~~accommodations of less than six sleeping rooms on the same premises, which is the individual's place~~
34 ~~of abode;~~
35 (c) renting, leasing, or otherwise furnishing tangible personal property for a consideration;
36 (d) operating a laundry, cleaning, dyeing, or pressing establishment for a consideration;

1 (e) selling electric power or energy;

2 (f) selling or furnishing the ways or means for the transmission of the voice or of messages
3 between persons in this State for a consideration. A person engaged in the business of selling or
4 furnishing the ways or means for the transmission of the voice or messages as used in this subitem (f)
5 is not considered a processor or manufacturer;

6 (2)(a) maintaining a place of business or qualifying to do business in this State; ~~or~~

7 (b) not maintaining an office or location in this State but soliciting business by direct or indirect
8 representatives, manufacturers agents, distribution of catalogs, or other advertising matter or by any
9 other means, and by reason thereof receives orders for tangible personal property or for storage, use,
10 consumption, or distribution in this State;

11 (3) operating as a marketplace facilitator, as defined in Section 12-36-71; or

12 (4) operating as a lodging marketplace, as defined in Section 12-36-72.

13 The department, when necessary for the efficient administration of this chapter, may treat any
14 salesman, representative, trucker, peddler, or canvasser as the agent of the dealer, distributor,
15 supervisor, employer, or other person under whom they operate or from whom they obtain the tangible
16 personal property sold by them, regardless of whether they are making sales on their own behalf or on
17 behalf of the dealer, distributor, supervisor, employer, or other person. The department may also treat
18 the dealer, distributor, supervisor, employer, or other person as a retailer for purposes of this chapter.

19
20 SECTION 10. Chapter 36, Title 12 of the S.C. Code is amended by adding:

21
22 Section 12-36-72. (A) “Lodging marketplace” means a person or entity who:

23 (1) provides for consideration, regardless of whether the consideration is deducted as a fee from
24 the transaction, an online application, software, website, system, or other medium through which
25 short-term rentals a good or service in this State is advertised or offered to the public as available; and

26 (2) directly or indirectly provides or maintains a platform for goods or services by providing a
27 payment system that facilitates a transaction between two platform users.

28 (B) For purposes of this section, a person “facilitates” a rental by brokering, coordinating, or in any
29 other way arranging for the purchase of the right to use accommodations through a transaction directly,
30 including through the use of one or more payment processors, between a customer and an
31 accommodations provider.

32
33 SECTION 11. Section 12-36-920 of the S.C. Code is amended to read:

34
35 Section 12-36-920.(A) A sales tax equal to seven percent is imposed on the gross proceeds derived
36 from the rental or charges for any rooms, campground spaces, lodgings, or sleeping accommodations

1 furnished to transients by any hotel, inn, tourist court, tourist camp, motel, campground, residence, or
2 any place in which rooms, lodgings, or sleeping accommodations are furnished to transients for a
3 consideration, or through a lodging marketplace facilitating the rental of an accommodation. This tax
4 does not apply:

5 ~~— (1) where the facilities consist of less than six sleeping rooms, contained on the same premises,
6 which is used as the individual's place of abode; or~~

7 ~~— (2) to gross proceeds from rental income wholly excluded from the gross income of the taxpayer
8 pursuant to Internal Revenue Code Section 280A(g) as that code is defined in Section 12-6-40(A).~~

9 The gross proceeds derived from the lease or rental of sleeping accommodations supplied to the same
10 person for a period of ninety continuous days are not considered proceeds from transients. The tax
11 imposed by this subsection (A) does not apply to additional guest charges as defined in subsection (B)
12 or separately stated optional charges on a bill to a customer for amenities, entertainment, special items
13 in promotional tourist packages, and other guest services. This tax applies to any charge by a lodging
14 marketplace, as defined in Section 12-36-72, to a transient.

15 (B) A sales tax of five percent is imposed on additional guest charges at any place where rooms,
16 lodgings, or accommodations are furnished to transients for a consideration, unless otherwise taxed
17 under this chapter. For purposes of this subsection, additional guest charges are limited to charges for:

- 18 (1) room service;
- 19 (2) laundering and dry cleaning services;
- 20 (3) in-room movies;
- 21 (4) telephone service; and
- 22 (5) rentals of meeting rooms.

23 (C) Real estate agents, brokers, corporations, or listing services required to remit taxes under this
24 section shall notify the department if rental property, previously listed by them, is dropped from their
25 listings. A lodging marketplace, as defined in Section 12-36-72, shall not be subject to this requirement.

26 (D) When any business is subject to the sales tax on accommodations and the business has more than
27 one place of business in the State, the licensee shall report separately in his sales tax return the total
28 gross proceeds derived from business done within and without the corporate limits of municipalities.
29 A taxpayer who owns or manages rental units in more than one county or municipality shall report
30 separately in his sales tax return the total gross proceeds from business done in each county or
31 municipality.

32 (E) The taxes imposed by this section are imposed on every person engaged or continuing within
33 this State in the business of furnishing accommodations to transients for consideration or acting as a
34 lodging marketplace, as defined in Section 12-36-72.

35 (F) The Department of Revenue shall annually publish the applicable tax rate, fees or surcharges
36 imposed on accommodations by any state or local governing body, including, but not limited to, the

1 taxes, fees, or surcharges imposed pursuant to Chapters 10 and 37 of Title 4, Chapter 1 of Title 6, and
2 Chapter 7 of Title 5. If a local governing body enacts a new tax, fee, or surcharge or increases the rate
3 of an existing tax, fee, or surcharge, the Department of Revenue shall notify accommodations
4 intermediaries of the new tax, fee, or surcharge at least sixty days prior to the enforcement of subsection
5 (G).

6 (G) Subject to the restrictions in subsection (F), when a lodging marketplace, as defined in 12-36-72,
7 facilitates the rental of an accommodation subject to the tax imposed by this section, the lodging
8 marketplace shall be solely responsible for collecting and remitting the tax. Subject to applicable laws,
9 the uniform provisions for the collection and enforcement of taxes assessed by the Department of
10 Revenue pursuant to Chapter 54 of Title 12 shall apply to a lodging marketplace.

11
12 SECTION 12. Section 12-36-922 of the S.C. Code is repealed.

13
14 SECTION 13. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of
15 this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the
16 constitutionality or validity of the remaining portions of this act, the General Assembly hereby
17 declaring that it would have passed this act, and each and every section, subsection, paragraph,
18 subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more
19 other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof
20 may be declared to be unconstitutional, invalid, or otherwise ineffective.

21
22 SECTION 14. This act takes effect upon approval by the Governor.

23 -----XX-----

Richland County Council Request for Action

Subject:

County Attorney's Office - Road Closure Request - Cottontown Way

Notes:

March 26, 2024 – The D&S Committee recommended submitting a response that the County would not be making a recommendation to close the road based on the information provided by the Emergency Services Department.

**RICHLAND COUNTY
ADMINISTRATION**

2020 Hampton Street, Suite 4069
Columbia, SC 29204
803-576-2050



Agenda Briefing

Prepared by:	Christopher Ziegler	Title:	Assistant County Attorney
Department:	County Attorney's Office	Division:	
Date Prepared:	February 27, 2024	Meeting Date:	March 26, 2024
Legal Review	Christopher Ziegler (author)	Date:	February 27, 2024
Budget Review	Maddison Wilkerson via email	Date:	February 29, 2024
Finance Review	Stacey Hamm via email	Date:	February 29, 2024
Approved for consideration:	County Administrator	Leonardo Brown, MBA, CPM	
Meeting/Committee	Development & Services		
Subject	Road Closure Petition to close Cottontown Way (2222 Main, LLC v. BKJ Morris Holdings, LLC; Cottontown Group LLC; South Carolina Department of Transportation; Richland County; City of Columbia, South Carolina)		

RECOMMENDED/REQUESTED ACTION:

The County Attorney's Office recommends Council:

1. Approve the petitioner's request to close the subject road and request the County Attorney's Office to answer the lawsuit accordingly; or
2. Deny the petitioner's request to close the subject road, state reasons for such denial, and request the County Attorney's Office to answer the lawsuit accordingly.

Request for Council Reconsideration: Yes

FIDUCIARY:

Are funds allocated in the department's current fiscal year budget?	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
If not, is a budget amendment necessary?	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No

ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

There are no costs associated with this request. The County does not currently maintain this road, so there will be no change in maintenance spending.

OFFICE OF PROCUREMENT & CONTRACTING FEEDBACK:

Not applicable.

REGULATORY COMPLIANCE:

Richland County Code of Ordinances Section 21-14

MOTION OF ORIGIN:

There is no associated Council motion of origin.

STRATEGIC & GENERATIVE DISCUSSION:

County Council is requested to approve, deny, or make a recommendation with respect to a Petition for a Road Closing regarding Cottontown Way in accordance with Richland County Code of Ordinances (Roads, Highways and Bridges) section 21-14. The road is more particularly described in the attached Summons and Petition to Close and Abandon Road filed as 2024-CP-40-00351 in Richland County.

Richland County Code of Ordinances (Roads, Highways and Bridges) section 21-14 requires the County Attorney to consult with the County's Community Planning and Development Department, the Department of Public Works, and the Emergency Services Department, and to then forward the request to abandon or close a public road or right-of-way to County Council for disposition. All aforementioned departments have been informed of the need for input and the Emergency Services Department has expressed concern. After a site review, Director Michael Byrd indicated that the closure may impact a nearby property (1208 Franklin Street) by causing delays in fire response to the side of the building and restricting the use of a side roll-up door on the road seeking to be closed. The Department of Public Works and the County's Community Planning and Development Department did not express concerns.

Cottontown Way is a road extending from Franklin Street to its termination at the property owned by 2222 Main, LLC. In addition to the property owned by 2222 Main, LLC, the road is adjacent to two other parcels owned by BKJ Morris Holdings and Cottontown Group, LLC.

ASSOCIATED STRATEGIC GOAL, OBJECTIVE, AND INTIATIVE:

- Goal 4: Plan for growth through inclusive and equitable infrastructure
 - Objective 4.2: Coordinate departments to prepare for anticipated growth in areas by providing water, sewer, and roads in necessary locations

ATTACHMENTS:

1. Filed Petition
2. County Department Email Correspondence

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF RICHLAND

CASE NO. 2024-CP-40-00351

2222 Main, LLC,

Plaintiff,

v.

AMENDED SUMMONS

BKJ Morris Holdings, LLC; Cottontown Group LLC; South Carolina Department of Transportation; Richland County; City of Columbia, South Carolina; Dominion Energy South Carolina, Inc.

Defendants.

YOU ARE HEREBY SUMMONED and required to answer the Petition for Abandonment and Closure of Road in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to said Petition for Abandonment and Closure of Road upon the subscribers, Graybill Lansche & Vinzani, LLC, 2721 Devine Street, Columbia, South Carolina 29205, within thirty (30) days of the service hereof, exclusive of the day of such service.

YOU ARE HEREBY GIVEN NOTICE FURTHER that, if you fail to appear and defend and fail to answer the Complaint as required by this Summons within thirty (30) days after the service hereof, judgment by default will be rendered against you for the relief demanded in the Complaint/Petition.

s/ Jacob S. Barker

Jacob S. Barker, SC Bar # 77449
GRAYBILL LANSCH & VINZANI, LLC
2721 Devine Street
Columbia, SC 29205
Direct Dial: (843) 408-4063
jbarker@glvlawfirm.com

ATTORNEY FOR PETITIONERS

Columbia, South Carolina
February 6, 2024

Litigation Notice

was served by
Personal Service
Personal Mail
Certified Mail

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF RICHLAND

CASE NO. 2024-CP-40-00351

2222 Main, LLC,

Plaintiff,

v.

BKJ Morris Holdings, LLC; Cottontown Group LLC; South Carolina Department of Transportation; Richland County; City of Columbia, South Carolina; Dominion Energy South Carolina, Inc.

Defendants.

AMENDED PETITION FOR ABANDONMENT AND CLOSURE OF ROAD

PETITIONER above-named would respectfully show unto the Court:

1. This action is being brought pursuant to §57-9-10 et seq., Code of Laws of South Carolina (1976), as amended.

2. Pursuant to the statute mentioned in the paragraph next above, Petitioner advertised for three (3) consecutive weeks in the The Columbia Star the “Notice of Intention to File Petition to Close Roads”, a copy of which is attached hereto as **Exhibit "A"** and incorporated herein by this reference, and that said notice was advertised on November 24, 2023, December 1, 2023, and December 8, 2023.

3. Pursuant to the statute mentioned in the paragraph above, on or about November 21, 2023 Petitioner posted along the street, road or highway for which closure is being sought, and with permission of and after consultation with the Department of Transportation for Richland County, Maintenance Division, who is responsible for the maintenance of said portion of the street, road or highway for which closure is being sought, signs indicating Petitioner’s intention to close said road. Pictures of the posted signs are attached hereto as **“Exhibit B.”**

4. Petitioner, 2222 Main, LLC is the owner of certain tracts of land located in Richland County, South Carolina, bearing Richland County Tax Map Number R09016-02-06 (the “Property”), which Property abuts the portion of Cottontown Way, also known as Galliard Street, being sought to be closed hereby. Said portion of Cottontown Way,

also known as Galliard Street being sought to be closed begins with its intersection of Franklin Street, running approximately 350 feet generally in a Southerly direction as shown on that certain Survey of Cox and Dinkins prepared for Commonwealth Properties, LLC dated August 5, 2022 and recorded with the Richland County Register of Deeds in Book 2814 at Page 709 (the "Plat"), a reduced copy of which is attached hereto as **Exhibit "C"**.

5. Respondent, BKJ Morris Holdings, LLC is the owner of a tract of land located in Richland County, South Carolina, bearing Richland County Tax Map Number R09016-02-01, which abut the subject road and is a party to this action as an interested party under §57-9-10 et seq., Code of Laws of South Carolina (1976), as amended.

6. Respondent, Cottontown Group, LLC is the owner of a tract of land located in Richland County, South Carolina, bearing Richland County Tax Map Number R09016-02-11, which abut the subject road and is a party to this action as an interested party under §57-9-10 et seq., Code of Laws of South Carolina (1976), as amended

6. Respondent, South Carolina Department of Transportation, is made a Respondent due to the fact that the portion of Cottontown Way, also known as Galliard Street which is being sought to be closed is right of way and said South Carolina Department of Transportation may claim some right, title or interest in and to said road on behalf of the public and for public ingress and egress.

7. Respondent, Richland County, State of South Carolina, is made a Respondent due to the fact that the portion of Cottontown Way, also known as Galliard Street which is being sought to be closed is located within the county limits of Richland County and said Richland County may claim some right, title or interest in and to said road on behalf of the public and for public ingress and egress.

8. Respondent, Dominion Energy South Carolina, Inc., is made a Respondent due to the fact that there is an existing overhead power line that crosses the property of Cottontown Way, also known as Galliard Street, which is being sought to be closed, and said Dominion Energy South Carolina, Inc. may claim some right, title or interest in and to said road for access to and maintenance of the power line.

9. Petitioners desire that any interest of Respondents in said portion of Cottontown Way, also known as Galliard Street being sought to be closed hereby be deemed permanently abandoned and that any and all rights that the Respondents, or the

public, may have in the aforesaid portion of Cottontown Way, also known as Galliard Street being sought to be closed hereby be terminated; provided that in no way will the rights of Respondent Dominion Energy South Carolina, Inc. pursuant to any easements or rights of way previously granted to Respondent, Dominion Energy South Carolina, Inc., or otherwise obtained by Respondent, Dominion Energy South Carolina, Inc., be adversely affected in any way.

10. The Petitioner is informed and believe that there are no abutting property owners who would be adversely affected by such abandonment.

WHEREFORE, Petitioner prays that this Court inquire into the matters of the facts and circumstances hereby alleged and issue its Order requiring that said portion of Cottontown Way, also known as Galliard Street being sought to be closed hereby be permanently abandoned, closed, discontinued and vacated, and that any and all rights that Respondents, and the public, may have in the same and the obligation of South Carolina Department of Transportation to maintain same be permanently terminated.

s/ Jacob S. Barker

Jacob S. Barker, SC Bar # 77449
GRAYBILL LANSCH & VINZANI, LLC
2721 Devine Street
Columbia, SC 29205
Direct Dial: (843) 408-4063
jbarker@glvlawfirm.com

ATTORNEY FOR PETITIONERS

Columbia, South Carolina
February 6, 2024

Christopher Ziegler

From: MICHAEL BYRD
Sent: Tuesday, February 6, 2024 8:16 AM
To: Christopher Ziegler; GEO PRICE; MICHAEL MALONEY; SHIRANI FULLER
Subject: RE: Cottontown Way

I completed a site review of this street to determine how the potential closure may impact the property located at 1208 Franklin Street. The side of the building fronts on Cottontown Way (AKA Galliard Street). Closing and blocking the street may delay fire response to the side of the building. Also, the building has a side roll-up door on Galliard Street that may be impacted by the street closure. The biggest impact from the closure will be the property located at 1208 Franklin Street. - Michael Byrd

From: Christopher Ziegler <ZIEGLER.CHRISTOPHER@richlandcountysc.gov>
Sent: Monday, February 5, 2024 10:12 AM
To: GEO PRICE <PRICE.GEO@richlandcountysc.gov>; MICHAEL BYRD <BYRD.MICHAEL@richlandcountysc.gov>; MICHAEL MALONEY <MALONEY.MICHAEL@richlandcountysc.gov>; SHIRANI FULLER <FULLER.SHIRANI@richlandcountysc.gov>
Subject: Cottontown Way

Good morning all,

Richland County has been named as a party in an action seeking to close a portion Cottontown Way extending from said roads intersection with Franklin Street to its termination surrounded by property owned by 2222 Main, LLC. In addition to the property owned by 2222 Main, the road is adjacent to two other parcels owned by BKJ Morris Holdings and Cottontown Group, LLC. I have attached a map from the County's online GIS to use as reference. I have also included a copy of the summons should anyone be interested in seeing it.

Richland County Code of Ordinances (Roads, Highways and Bridges) subsection 21-14(a) requires the County Attorney to consult with and obtain approval from Planning, Public Works and Emergency Services prior to making a recommendation for disposition of a road closing petition. Here is the full text of that subsection:

Sec. 21-14. Abandonment of public roads and right-of-ways.

(a) Any person or organization wishing to close an existing public street, road, or highway in the county to public traffic shall petition a court of competent jurisdiction in accordance with section 57-9-10, et seq. of the state code of laws. The petition shall name the county as a respondent (unless the county is the petitioner). The county attorney shall advise the court with regard to the county's concurrence or opposition after consultation with the county's planning, public works, and emergency services departments, and after consideration by county council. It shall be the responsibility of the petitioner to physically close the roadway if a petition is successful. The county attorney may submit such petition on behalf of the county if so directed by county council.

Please advise if you have an objection to the closure of this road, extinguishment of any County interest therein, or any other concerns in this regard.

Very respectfully,

Christopher Ziegler
Assistant County Attorney
Richland County Attorney's Office
2020 Hampton Street, Room 4018
PO Box 192
Columbia, South Carolina 29202

Christopher Ziegler

From: GEO PRICE
Sent: Tuesday, February 6, 2024 6:36 PM
To: Christopher Ziegler; MICHAEL BYRD; MICHAEL MALONEY; SHIRANI FULLER
Subject: RE: Cottontown Way

The CP&D Department has no objections to the proposed road closure.

From: Christopher Ziegler <ZIEGLER.CHRISTOPHER@richlandcountysc.gov>
Sent: Monday, February 5, 2024 10:12 AM
To: GEO PRICE <PRICE.GEO@richlandcountysc.gov>; MICHAEL BYRD <BYRD.MICHAEL@richlandcountysc.gov>; MICHAEL MALONEY <MALONEY.MICHAEL@richlandcountysc.gov>; SHIRANI FULLER <FULLER.SHIRANI@richlandcountysc.gov>
Subject: Cottontown Way

Good morning all,

Richland County has been named as a party in an action seeking to close a portion Cottontown Way extending from said roads intersection with Franklin Street to its termination surrounded by property owned by 2222 Main, LLC. In addition to the property owned by 2222 Main, the road is adjacent to two other parcels owned by BKJ Morris Holdings and Cottontown Group, LLC. I have attached a map from the County's online GIS to use as reference. I have also included a copy of the summons should anyone be interested in seeing it.

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(a) Any person or organization wishing to close an existing public street, road, or highway in the county to public traffic shall petition a court of competent jurisdiction in accordance with section 57-9-10, et seq. of the state code of laws. The petition shall name the county as a respondent (unless the county is the petitioner). The county attorney shall advise the court with regard to the county's concurrence or opposition after consultation with the county's planning, public works, and emergency services departments, and after consideration by county council. It shall be the responsibility of the petitioner to physically close the roadway if a petition is successful. The county attorney may submit such petition on behalf of the county if so directed by county council.

Please advise if you have an objection to the closure of this road, extinguishment of any County interest therein, or any other concerns in this regard.

Very respectfully,

Christopher Ziegler
Assistant County Attorney
Richland County Attorney's Office
2020 Hampton Street, Room 4018
PO Box 192
Columbia, South Carolina 29202
ziegler.christopher@richlandcountysc.gov

Christopher Ziegler

From: SHIRANI FULLER
Sent: Monday, February 5, 2024 1:40 PM
To: Christopher Ziegler
Subject: RE: Cottontown Way

Chris,

That is correct. SCDOT would maintain the road and the city would preform services off the right-of-way, if there are any. RC Public Works would have no authority here.

Shirani

From: Christopher Ziegler <ZIEGLER.CHRISTOPHER@richlandcountysc.gov>
Sent: Monday, February 5, 2024 1:28 PM
To: SHIRANI FULLER <FULLER.SHIRANI@richlandcountysc.gov>
Subject: RE: Cottontown Way

Shirani,

This is a new one for me – do we not maintain the road at all? I just want to make sure I have that understood before I move to the next step.

Thanks!

From: SHIRANI FULLER <FULLER.SHIRANI@richlandcountysc.gov>
Sent: Monday, February 5, 2024 12:14 PM
To: Christopher Ziegler <ZIEGLER.CHRISTOPHER@richlandcountysc.gov>
Cc: MICHAEL MALONEY <MALONEY.MICHAEL@richlandcountysc.gov>
Subject: RE: Cottontown Way

Good Morning Chris,

From GIS, it appears this is an SCDOT road inside the City of Columbia. If that's correct I don't believe chapter 21 would apply as it's not in unincorporated Richland County.

Thank you

Shirani W. Fuller, PE
County Engineer
Richland County Government
Department of Public Works
Engineering Division
fuller.shirani@richlandcountysc.gov

O: 803-576-3576
400 Powell Rd.
Columbia, SC 29203
www.richlandcountysc.gov

Richland County Council Request for Action

Subject:

An Ordinance authorizing the easements to Dominion Energy South Carolina, Inc. to construct, extend, replace, relocate, perpetually maintain and operate an overhead or underground electric line or lines; located on property owned by Richland County at 1364 Northpoint Blvd.; and as is more fully described herein

Notes:

March 26, 2024 – The D&S Committee recommended approving Dominion Energy’s request to access easement through property owned by Richland County at 1364 Northpoint Blvd. to provide power to a new commercial business.

First Reading:

Second Reading:

Third Reading:

Public Hearing:

**RICHLAND COUNTY
ADMINISTRATION**

2020 Hampton Street, Suite 4069
Columbia, SC 29204
803-576-2050



Agenda Briefing

Prepared by:	Shirani Fuller	Title:	County Engineer
Department:	Public Works	Division:	Engineering
Date Prepared:	February 27, 2024	Meeting Date:	March 26, 2024
Legal Review	Elizabeth McLean via email	Date:	March 14, 2024
Budget Review	Maddison Wilkerson via email	Date:	February 29, 2024
Finance Review	Stacey Hamm via email	Date:	March 7, 2024
Approved for consideration:	Assistant County Administrator	John M. Thompson, Ph.D., MBA, CPM, SCEM	
Meeting/Committee	Development & Services		
Subject	Dominion Energy Easement Request - 1364 Northpoint Boulevard		

RECOMMENDED/REQUESTED ACTION:

Dominion Energy requests an access easement through the property owned by Richland County at 1364 Northpoint Blvd to provide power to a new commercial business. Staff recommends Council approval of the request.

Request for Council Reconsideration: Yes

FIDUCIARY:

Are funds allocated in the department’s current fiscal year budget?	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
If not, is a budget amendment necessary?	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No

ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

There is no anticipated fiscal impact to the County.

Applicable department/grant key and object codes: not applicable

OFFICE OF PROCUREMENT & CONTRACTING FEEDBACK:

Not applicable.

COUNTY ATTORNEY’S OFFICE FEEDBACK/POSSIBLE AREA(S) OF LEGAL EXPOSURE:

There are no legal concerns regarding this matter.

REGULATORY COMPLIANCE:

Not applicable.

MOTION OF ORIGIN:

There is no associated Council motion of origin.

STRATEGIC & GENERATIVE DISCUSSION:

Through the Richland County Economic Development Department, a portion of parcel R14900-01-02, addressed as 1364 Northpoint Blvd, is under development and is part of the industrial park. Dominion Energy is requesting an exclusive easement to provide service to the property. The requested area is described in the easement document and shown in the drawing.

ASSOCIATED STRATEGIC GOAL, OBJECTIVE, AND INTIATIVE:

- Goal 2: Invest in economic development
 - Objective 2.1: Create high paying jobs from planning growth and strategic economic development projects
 - Initiative: Encourage private sector engagement with Economic Development

ATTACHMENTS:

1. Easement Document
2. Easement Exhibit
3. Ordinance

INDENTURE, made this _____ day of _____, 2024 by and between RICHLAND COUNTY, of the State of South Carolina, hereinafter called "Grantor" (whether singular or plural), and the DOMINION ENERGY SOUTH CAROLINA, INC., a South Carolina corporation, having its principal office in Cayce, South Carolina, hereinafter called "Grantee".

WITNESSETH:

That, in consideration of the sum of One Dollar (\$1.00) received from Grantee, Grantor, being the owner of land situate in the County of Richland, State of South Carolina, hereby grants and conveys to Grantee, its successors and assigns, the right to construct, extend, replace, relocate, perpetually maintain and operate an overhead or underground electric line or lines consisting of any or all of the following: poles, conductors, lightning protective wires, municipal, public or private communication lines, cables, conduits, pad mounted transformers, guys, push braces and other accessory apparatus and equipment deemed by Grantee to be necessary or desirable, upon, over, across, through and under land described as follows: a tract or lot of land containing 89.20 acres, more or less, and being the same lands conveyed to Grantor by deed of The Citadel Foundation, dated or recorded 12/3/2008, and filed in the Register of Deeds office for Richland County in Deed book 1479 at Page 1098.

The property is located at 1364 Northpoint Blvd., Richland County, SC.

The right of way granted herein is for the installation, operation and maintenance of DESC facilities. These facilities are more fully shown on DESC drawing D-85280 and revisions thereof, which is by reference only made a part hereof. The actual final Right of Way will be determined by the final location of the facilities as installed in accordance with the easement.

TMS: R14900-01-02

Together with the right from time to time to install on said line such additional lines, apparatus and equipment as Grantee may deem necessary or desirable and the right to remove said line or any part thereof.

Together also with the right (but not the obligation) from time to time to trim, cut or remove trees, underbrush and other obstructions that are within, over, under or through a strip of land ("Easement Space") extending Fifteen (15) feet on each side of any pole lines and Five (5) feet on each side of any underground wires and within, over, under or through a section of land extending Twelve (12) feet from the door side(s) of any pad mounted transformers, elbow cabinets, switchgears or other devices as they are installed; provided, however, any damage to the property of Grantor (other than that caused by trimming, cutting or removing) caused by Grantee in maintaining or repairing said lines, shall be borne by Grantee; provided further, however, that Grantors agree for themselves, their successors and assigns, not to build or allow any structure to be placed on the premises in such a manner that any part thereof will exist within the applicable above specified Easement Space, and in case such structure is built, then Grantor, or such successors and assigns as may be in possession and control of the premises at the time, will promptly remove the same upon demand of Grantee herein. Grantor further agrees to maintain minimum ground coverage of thirty six (36) inches and maximum ground coverage of fifty four (54) inches over all underground primary electric lines. Together also with the right of entry upon said lands of Grantor for all of the purposes aforesaid.

The words "Grantor" and "Grantee" shall include their heirs, executors, administrators, successors and assigns, as the case may be.

IN WITNESS WHEREOF, Grantor has caused this indenture to be duly executed the day and year first above written.

WITNESS:

RICHLAND COUNTY

1st Witness

2nd Witness

By: _____(SEAL)

Print: _____

Title: _____

Easement # 905373

ACKNOWLEDGMENT

STATE OF SOUTH CAROLINA

COUNTY OF **RICHLAND**

The foregoing instrument was acknowledged before me, the undersigned Notary, and I do hereby certify that the within named, _____, of **RICHLAND COUNTY**, personally appeared before me this day and that the above named acknowledged the due execution of the foregoing instrument.

Sworn to before me this _____ day of _____, 2024

Signature of Notary Public State of SC

My commission expires: _____

Print Name of Notary Public

**RIGHT OF WAY GRANT TO
DOMINION ENERGY SOUTH CAROLINA, INC.**

Line: **Access 77 Spec Building - Northpoint**

County: **RICHLAND**

R/W File Number: **26978**

Grantor(s): **RICHLAND COUNTY**

Return to: DESC

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. _____-24HR

AN ORDINANCE AUTHORIZING AN EASEMENTS TO DOMINION ENERGY SOUTH CAROLINA, INC. TO CONSTRUCT, EXTEND, REPLACE, RELOCATE, PERPETUALLY MAINTAIN AND OPERATE AN OVERHEAD OR UNDERGROUND ELECTRIC LINE OR LINES; LOCATED ON PROPERTY OWNED BY RICHLAND COUNTY AT 1364 NORTHPOINT BLVD; AND AS IS MORE FULLY DESCRIBED HEREIN.

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 County of Richland and its employees and agents are hereby authorized to grant to DOMINION ENERGY SOUTH CAROLINA, INC. an easement to construct, extend, replace, relocate, perpetually maintain and operate an overhead or underground electric line or lines; as specifically described in Easement #905373; which is attached hereto and incorporated herein.

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 _____.

RICHLAND COUNTY COUNCIL

By: _____
Jesica Mackey , Chair

Attest this _____ day of _____, 2024.

Anette Kirylo
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 for Action

Subject:

Community Planning & Development - Building Inspections Division - Town of Eastover Intergovernmental Agreement

Notes:

March 26, 2024 – The A&F Committee recommended that Council approve an Intergovernmental Agreement (IGA) between the Town of Eastover and Richland County. Richland County recognizes the mutual benefit of the Town of Eastover contracting with Richland County to provide citizens with essential code inspections and plan review services. This agreement strictly provides building code inspections and plan reviews of all residential and commercial buildings for renovations, repairs, additions, and new construction within the Town of Eastover’s jurisdictional limits. Richland County will provide these services through the Building Inspections Division of the Community Planning and Development Department.

**RICHLAND COUNTY
ADMINISTRATION**

2020 Hampton Street, Suite 4069
Columbia, SC 29204
803-576-2050



Agenda Briefing

Prepared by:	Michael Zaprzalka	Title:	Building Official
Department:	Community Planning & Development	Division:	Building Inspection
Date Prepared:	February 8, 2024	Meeting Date:	March 26, 2024
Legal Review	Elizabeth McLean via email	Date:	March 14, 2024
Budget Review	Maddison Wilkerson via email	Date:	February 29, 2024
Finance Review	Stacey Hamm via email	Date:	March 8, 2024
Approved for consideration:	Assistant County Administrator	Aric A Jensen, AICP	
Meeting/Committee	Administration & Finance		
Subject	Town of Eastover Intergovernmental Agreement for Building Inspections Services		

RECOMMENDED/REQUESTED ACTION:

Staff recommends approval of an Intergovernmental Agreement (IGA) between the Town of Eastover and Richland County. Richland County recognizes the mutual benefit derived from the Town of Eastover contracting with Richland County to provide essential code inspections and plan review services to the citizens. This agreement is strictly to provide building code inspections and plan reviews of all residential and commercial buildings for renovations, repairs, additions, and new construction within the Town of Eastover’s jurisdictional limits. Richland County will provide these services through the Building Inspections Division of the Community Planning and Development Department.

Request for Council Reconsideration: Yes

FIDUCIARY:

Are funds allocated in the department’s current fiscal year budget?	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
If not, is a budget amendment necessary?	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No

ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

Per the agreement, Richland County would re-coup all fees for services provided by the Richland County Building Inspection Division. Exhibit "A" of the agreement provides the fee schedule for all inspections and re-inspections of newly permitted projects as adopted by County Council.

Applicable department/grant key and object codes: 1100232000

OFFICE OF PROCUREMENT & CONTRACTING FEEDBACK:

Not applicable.

COUNTY ATTORNEY’S OFFICE FEEDBACK/POSSIBLE AREA(S) OF LEGAL EXPOSURE:

There are no legal concerns regarding this matter.

REGULATORY COMPLIANCE:

S.C. Code Ann. §6-9-50 (1976, as amended)

Chapter 6: Buildings and building regulations, Richland County Code of Ordinances

MOTION OF ORIGIN:

There is no associated council motion of origin

STRATEGIC & GENERATIVE DISCUSSION:

The Town of Eastover has requested Richland County to aid with residential and commercial building code inspections and plan reviews. The Town of Eastover no longer has a building official with the requisite skills and licensing to perform these duties. In 2019, the County Council approved a similar agreement, but it has expired. The newly elected Mayor has requested the re-establishment of the agreement.

Under the proposed IGA, the Building Inspections Division of Richland County's Community Planning and Development Department will provide all plan reviews, permitting, and inspections for residential and commercial projects. The Town of Eastover will administer the zoning and land-use aspects of the permitting process. In a typical submittal, an applicant would apply for and receive zoning approval from the Town, and then apply for a construction permit to from the County. Richland County will collect all fees, and applicants in the Town would pay the same building fees as applicants in unincorporated Richland County, as shown in Exhibit A of the agreement.

The services for building code inspections and plan reviews will be handled by licensed County Inspectors and Plan examiners as required by the South Carolina LLR. The Building Official of Richland County shall interpret provisions of the applicable Building Code(s).

This Agreement shall continue unless terminated by either party upon such party giving six month written notice to the other party of its intent to terminate this agreement or upon the Town of Eastover's employment of a Certified Building Official.

ASSOCIATED STRATEGIC GOAL, OBJECTIVE, AND INITIATIVE:

- Goal 1: Foster good governance
 - Objective 1.5: Collaborate with other governments
 - Initiative: Build relationships with non-profit governmental organizations, municipalities, state, and federal organizations across all departments to determine points of parity
- Goal 4: Plan for growth through Inclusive and equitable infrastructure
 - Initiative: Evaluate how Richland County may support other community partners to provide services to enhance the quality of life for Richland County residents.

ADDITIONAL COMMENTS FOR CONSIDERATION:

In the previous two agreements (2015, 2019), the same building inspection services were provided to the Town of Eastover. There is a limited cost to the Building Inspections Division as these services are provided to the surrounding areas outside of the Eastover township limits. The actual volume of permitting and inspections inside of the Town is very small. In 2015, there were 25 building permits issued totaling \$1613.51 fees collected. In 2019, there were 15 permits issued totaling \$3649.69 fees collected.

ATTACHMENTS:

1. Town of Eastover IGA
2. Exhibit A: Richland County Fee Schedule
3. Exhibit B: Richland Ordinance, Chapter 6: Buildings and Building Regulations
4. Exhibit C: 2021 South Carolina Mandated Code Adoptions Bulletin

STATE OF SOUTH CAROLINA)
)
)
 COUNTY OF RICHLAND) INTERGOVERNMENTAL AGREEMENT
) BETWEEN THE TOWN OF EASTOVER,
) SOUTH CAROLINA; AND RICHLAND
) COUNTY, SOUTH CAROLINA

THIS INTERGOVERNMENTAL AGREEMENT is made and entered into, in duplicate, this ____ day of _____, 2024, by and between the Town of Eastover and the County of Richland, South Carolina.

WHEREAS, it is the desire of the Town of Eastover to partner with Richland County in the provision of required building code permitting, inspection and plan review of residential and commercial buildings within the Town of Eastover for the purpose of providing code compliance for construction; and

WHEREAS, the Councils of Town of Eastover and Richland County recognize the mutual benefit derived from Town of Eastover contracting with Richland County to provide essential code inspections and plan review services; and

WHEREAS, in order compensate Richland County for the services provided, Town of Eastover agrees that Richland County shall recoup costs for permitting, inspections and plan review as indicated below;

NOW, THEREFORE, in consideration of the services and agreement described herein, the parties hereto agree as follows:

1. Richland County agrees to provide building services, including permitting, plan review, and code inspections, within the Town limits of Eastover. Town of Eastover agrees that in order to recoup the costs associated with the services provided under this Agreement, Richland County shall collect fees for such services as set out on the most current Richland County Fee Schedule, as it may be amended from time to time, which is attached as Exhibit A. Richland County agrees that any fee assessed to an applicant within Town of Eastover shall be the same as the fee assessed for the same or comparable service within the unincorporated areas of Richland County.
2. The parties hereto agree that all permitting and communication with contractors and builders shall go through the Richland County Building and Inspections Division.
3. Town of Eastover and Richland County agree that services for inspections and plan review will be handled by state licensed inspectors and plans examiners, as required by South Carolina Department of Labor, Licensing and Regulation (LLR).
4. The Town of Eastover agrees that Richland County shall enforce within the Town limits of Eastover, the current edition of the Building Codes as adopted by the County and all other building codes adopted in Chapter 6 of the Richland County Code of Ordinances. All building code interpretations shall be made by the County Building Official. Building code interpretations of the Building Official of Richland County

may be appealed to the Richland County Building Code Board of Appeals. In the event that an appeal is taken to circuit court based on the Board's decision, the Town of Eastover agrees to pay the costs and expenses of legal counsel for the Board's defense and for the time any employee is required to testify during the appeal.

5. The County services provided pursuant to this Agreement shall be limited to building permitting, plan review, and related code inspection services only. This agreement does not contemplate zoning services, and such agreement for zoning services, if any, shall be negotiated and entered into separately.
6. This Agreement shall commence on the date set forth above and shall continue unless terminated by either party upon such party giving six month written notice to the other party of its intent to terminate this agreement or upon the Town of Eastover's employment of a Certified Building Official.
7. This Agreement may be amended, modified or changed only upon the written agreement between the County Council for Richland County and the Town Council for Eastover.

IN WITNESS WHEREOF WE THE UNDERSIGNED have this _____ day of _____, 2023, set our hand and seal hereon.

TOWN OF EASTOVER:

Mayor

WITNESSES:

RICHLAND COUNTY:

Chair of County Council

WITNESSES:

EXHIBIT A

RICHLAND COUNTY FEE SCHEDULE

Permit fees for each category of work will be calculated on a per-building basis and shall be based on the total contract price or total value of work to be done or the per square foot values, for construction, as reported in the international codes council building safety journal for building valuation data, with one and two family dwellings calculates as follows: Average \$57.92 (less than 2,500 square feet of heated area); Best \$73.72 (2,500 square feet or more of heated area). The following dollar value and schedule will be used in calculating permit fees for each category of work to be performed.

- (1) **Commercial construction and renovation:** Building, plumbing, gas, mechanical, roofing, sign, pool, barrier, storage, decks, building and fire protection, hood and/or fire suppression, electrical, communications, Security, sound and telephone systems:

TOTAL VALUE	FEE
Up to - \$5000.00	\$52.66
\$5000.01 - \$100,000	\$52.66 for the first \$5000.00 plus \$9.48 per \$1000.00 or fraction thereof
\$100,000.01 - \$1,000,000	\$953.26 for the first \$100,000 plus \$4.21 for each additional \$1000.00 or fraction thereof
\$1,000,000.01 - \$5,000,000	\$4,742.26 for the first \$1,000,000 plus \$3.16 for each additional \$1000.00 or fraction thereof
Over \$5,000,000	\$17,382.26 for the first \$5,000,000 plus \$2.10 for each additional \$1000.00 or fraction thereof

- (2) **One and two-family dwelling construction and renovation and townhouses:** Building, plumbing, gas, mechanical, electrical, roofing, pool, barrier, deck, storage. Townhomes include fire protection communications, security, sound and telephone systems due to firewalls:

TOTAL VALUE	FEE
Up to - \$5000.00	\$21.07
Over \$5000	\$21.07 for the first \$5,000 & \$4.21 for each additional \$1000.00 or fraction thereof

- (3) **Construction Trailer permits:** \$52.66

- (4) **Demolition permits:**

A) Residential Storage or garage detached	\$75.00
B) One story residence	\$75.00
C) Two story residence	\$75.00
D) Commercial Building	\$75.00
E) Three-story or more	\$75.00plus

(5) Land **development/Zoning Permits:** (one and two family only)

Detached garage and/or storage building:	\$5.27
Single Family dwelling under \$10,000	\$5.27
Single family dwelling \$10,000 or more	\$10.53
Two Family dwellings	\$15.80

(6) **Moving Permit:** (SEE NOTE:) \$52.66

NOTE: All structures, modular units and mobile homes moved within or into Richland County require zoning, building, and may require plan approvals prior to moving and relocation. All permits shall be obtained and fees paid prior to any move. All structures and modular units are classified as new construction for code compliance and are permitted as new construction. Permit shall be good for a maximum of 120 days from date of issuance and structure or modular unit completed and final inspections made with certificate of occupancy issued.

(7) **Miscellaneous/additional fees:**

(A) **Re-Inspection:** The fee for re-inspections resulting from work not being ready for inspection or being disapproved after the first re-inspection, shall be \$31.59 and \$52.66 for each additional re-inspection.

(B) **Commencing work without a permit:**

Where work requiring a permit is started prior to obtaining the permit, the applicable fee shall be double the amount of the usual permit fee.

(C) **Inspections:** Where no fee is indicated, or the inspection is not required: Residential \$26.33; Commercial \$52.66

(D) **Plan review fee:** (Plan review fees shall be paid in advance for commercial projects, to include townhouses.)

Residential: One- and Two-Family construction 20 % of permit fee.

Commercial Construction & Townhouses: 40 % of permit fee.

Note: Percent (%) of permit fee is based on total construction cost.

(E) **Structures located within the floodplain:** Elevation certificates and inspections checklist fee of \$52.66 shall be required for new construction, additions, renovations, fences, pools, storage buildings and similar structures.

(F) **Electrical, Plumbing, Gas and HVAC Subcontractors:** Permits are not required for new construction, additions and remodeling work for residential property permitted by a licensed builder provided that the subcontractors are licensed with South Carolina division of LLR, have business license with Richland County, and are listed on the building permit application. Any subcontractor changes shall be reported before new subcontractor's work commences.

(G) Permit Transfer fee: \$5.27

(H) Permit Refund fee: (less inspections made. \$10.53

(I) Appeal of Building Official's decision: \$26.33

(J) Manufactured home set up or de-title fee: \$142.18

(k) Residential Metal buildings or contract price \$15.26 sq. ft.

(L)	Open decks or open porches or contract price	\$15.26 sq. ft.
(M)	Pole buildings based on contract price	\$7.90 sq. ft.
(N)	Garages attached/detached no room over, storage building, and screen porches:	\$28.96 sq. ft.
(O)	Residential Boarded Structure fee:	\$26.33
(P)	Mix Use and Commercial Boarded fee:	\$52.66

Section 6-51. Elimination of a permit fee for sub-contractor provided a South Carolina licensed general or residential contractor has already secured a single-family residential permit and paid the fee.

(a) Notwithstanding any other provision of this chapter, when a licensed contractor secures a building permit for the construction of a building or structure, and appropriate permit fee prescribed by the building permit fee schedule will be paid by the contractor. Subcontractor(s) performing work for a licensed contractor will obtain permit(s) for their respective appurtenances, and pay a fee, except for a single-family residence. Trade application will display the contractor's name and building permit number so that all permits relating to the same construction can be assimilated. Under extenuating circumstances, the Building Official shall have the authority to adjust the building permit fee.

RICHLAND COUNTY BUILDING CODES AND INSPECTIONS FEE SCHEDULE

Permit fees for each category of work will be calculated on a per-building basis and shall be based on the total contract price or total value of work to be done or the per square foot values, for construction, as reported in the international code council building safety journal for building valuation data, with one and two family dwellings calculates as follows Average \$57.92 (less than 2,500 square feet of heated area); Best \$73.72 (2,500 square feet or more of heated area). The following dollar value and schedule will be used in calculating permit fees for each category of work to be performed.

- (1) **Commercial construction and renovation:** Building, plumbing, gas, mechanical, roofing, sign, pool, barrier, storage, deck, building and fire protection, hood and/or fire suppression, electrical, communications, Security, sound and telephone systems:

TOTAL VALUE	FEE
Up to - \$5000.00	\$52.66
\$5000.01 - \$100,000	\$52.66 for the first \$5000.00 plus \$9.48 per \$1000.00 or fraction thereof
\$100,000.01 - \$1,000,000	\$953.26 for the first \$100,000 plus \$4.21 for each additional \$1000.00 or fraction thereof
\$1,000,000.01 - \$5,000,000	\$4,742.26 for the first \$1,000,000 plus \$3.16 for each additional \$1000.00 or fraction
Over \$5,000,000	\$17,382.26 for the first \$5,000,000 plus \$2.10 for each additional \$1000.00 or fraction thereof

- (2) **One and two-family dwelling construction and renovation and townhouses:**

Building, plumbing, gas, mechanical, electrical, roofing, pool, barrier, deck, storage.

Townhomes include fire protection communications, security, sound and telephone systems due to firewalls:

TOTAL VALUE	FEE
Up to - \$5000.00	\$21.07
Over\$5000	\$21.07 for the first \$5,000 & \$4.21 for each additional \$1000.00 or fraction thereof

- (3) **Construction Trailer permits:** \$52.66

- (4) **Demolition permits:**

(A) Residential Storage or garage detached	\$75.00
(B) One story residence	\$75.00
(C) Two story residence	\$75.00
(D) Commercial Building	\$75.00
(E) Three-story or more	\$75.00
(F) Mobile Home	\$75.00

- (5) **Land development/Zoning Permits:** (one and two family only)

(A) Detached garage and/or storage building:	\$5.27
(B) Single Family dwelling \$10,000 or less	\$5.27
(C) Single Family dwelling \$10,000 or greater	\$10.53
(D) Two Family dwellings	\$15.80

- (6) **Moving Permits:** (See Note) \$52.66

NOTE: All structures, modular units and mobile homes moved within or into Richland County require zoning, building, and may require plan approvals prior to moving and relocation. All permits shall be obtained and fees paid prior to any move. All structures and modular units are classified as new construction for code compliance and are permitted as new construction. Permit shall be good for a maximum of 180 days from date of issuance and structure or modular unit completed and final inspections made with certificate of occupancy issued.

(6) Miscellaneous/additional fees:

(A) Re-inspection: The fee for inspections resulting from work not ready for inspection or disapproved after the first re-inspection, shall be **\$31.59** and **\$52.66** for each additional re-inspection.

(B) Commencing work without a permit:
Where work requiring a permit begins prior to obtaining a permit, the applicable fee shall be double the amount of the usual permit fee.

(C) Inspections: Where no other fee is indicated, or the inspection is not required: \$26.33

(D) Plan review fee: Plan review fees shall be paid in advance for commercial projects, to include townhouses.

Residential: One and Two Family construction	20% of Permit Fee
Commercial Construction & Townhouses:	40% of Permit Fee

Note: Percent (%) of permit fee is based on **total** construction cost.

(E) Structures located within the floodplain: Elevation certificates and inspections checklist fee of \$52.66 shall be required for new construction, additions, renovations, fences, pools, storage buildings and similar structures.

(F) Electrical, Plumbing, Gas and HVAC Subcontractor: Permits are not required for new construction, additions and remodeling work for residential property permitted by a licensed builder provided that the subcontractors are licensed with South Carolina division of LLR, have business license with Richland County, and are listed on the building permit application. Any subcontractor changes shall be reported before new subcontractor's work commences.

- | | |
|---|------------------------|
| (G) Permit Transfer fee: | \$5.27 |
| (H) Permit Refund fee:(less inspections made | \$10.53 |
| (I) Appeal of Building Official's decision: | \$26.33 |
| (J) Manufactured home set up or de-title fee: | \$142.18 |
| (K) Residential Metal buildings or contract price | \$15.26 sq. ft. |
| (L) Open decks or open porches or contract price | \$15.26 sq. ft. |
| (M) Pole buildings based on contract price | \$7.90 sq. ft. |
| (N) Garages attached/detached no room over,
storage building, and screen porches | \$28.96 sq. ft. |
| (O) Residential Boarded Structure fee: | \$26.33 |
| (P) Mix Use and Commercial Boarded fee: | \$52.66 |

Section 6-51(a) Notwithstanding any other provision of this chapter, when a licensed contractor secures a building permit for the construction of a building or structure, an appropriate permit fee prescribed by the building permit fee schedule will be paid by the contractor. Subcontractor(s) performing work for a licensed contractor will obtain permit(s) for their respective appurtenances, and pay a fee, except for a single-family residence. Trade qualifications, license and state bond as required shall be provided for all work. The subcontractor's application will display the contractor's name and building permit number so that all permits relating to the same construction can be assimilated. Under extenuating circumstances, the building official shall have the authority to adjust the building permit fee.

Attachment 3
RICHLAND COUNTY
FILED
2021 APR 29 PM 2:20
JEANETTE W. McBRIDE
C.C.P., G.S., & F.C.

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. 008-20HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS; SO AS TO CODIFY THE 2018 EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE, THE INTERNATIONAL BUILDING CODE, THE INTERNATIONAL FIRE CODE, THE INTERNATIONAL PLUMBING CODE, THE INTERNATIONAL FUEL GAS CODE, THE INTERNATIONAL MECHANICAL CODE, THE INTERNATIONAL EXISTING BUILDING CODE, THE INTERNATIONAL SWIMMING POOL AND SPA CODE, THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND THE 2009 SOUTH CAROLINA ENERGY CONSERVATION CODE, AND THE 2017 NATIONAL ELECTRIC CODE (NFPA 70).

WHEREAS, State Law enables the South Carolina Building Codes Council to regulate the adoption and enforcement of building codes in the state of South Carolina; and

WHEREAS, the South Carolina Building Codes Council has mandated that the 2018 editions of the International Residential Code with SC modifications, the International Building Code with SC modifications, the International Fire Code with SC modifications, the International Plumbing Code, the International Fuel Gas Code with SC modifications, and the International Mechanical Code with SC modifications are to be used for commercial and/or residential construction, effective January 1, 2020; and

WHEREAS, codification of the latest building codes is in the public interest as it provides accurate information to interested citizens.

NOW, THEREFORE, 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 6, Buildings and Building Regulations; Article III, Building Codes; Section 6-82, Adopted; is hereby amended to read as follows:

Sec. 6-82. Adopted.

(a) There is hereby adopted by the County Council the 2018 South Carolina Residential Code, including Chapter I (Administration), and all amendments thereto, as is all published by the International Code Council, Inc. The 2018 South Carolina Residential Code is the published version of the 2018 International Residential Code with South Carolina Modifications and may be referenced interchangeably. The construction, alteration, repair, or demolition of every one- and two-family dwelling structure and accessory structures shall conform to the requirements of this Code.

(b) There is hereby adopted by the county council the 2018 South Carolina Building Code, including Chapter 1 (Administration), and all amendments thereto, and specifically, as is all published by the International Code Council, Inc. The 2018 South Carolina Building Code is the published version of the 2018 International Building Code with South Carolina Modifications and may be referenced interchangeably. The construction, alteration, repair, or demolition of every building or structure (other than a one or two family dwelling structure) shall conform to the requirements of this Code.

(c) There is hereby adopted by the County Council the 2018 South Carolina Existing Building Code, including Chapter 1 (Administration), and all amendments thereto, as published by the International Code Council, Inc. The 2018 South Carolina Existing Building Code is the published version of the 2018 International Existing Building Code with South Carolina Modifications and may be referenced interchangeably. The installation, workmanship, construction, maintenance or repair of existing buildings shall conform to the requirements of this Code

SECTION II. The Richland County Code of Ordinance, Chapter 6, Buildings and Building Regulations; Article V, Fire Prevention Code; Section 6-113, Purpose is hereby amended to read as follows:

Sec. 6-113. Purpose.

The purpose of this article is to apply the provisions of the 2018 edition of the South Carolina Fire Code to all buildings and structures that are not regulated by the 2018 edition of the South Carolina Residential Code. The 2018 South Carolina Fire Code is the published version of the 2018 International Fire Code with South Carolina Modifications and may be referenced interchangeably.

SECTION III. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article V, Fire Preservation Code; Section 6-114, Adopted; applicability, etc.; Subsection (a); is hereby amended to read as follows:

(a) There is hereby adopted by the county council the 2018 edition of the South Carolina Fire Code, including Chapter 1 (Administration), and all amendments thereto, as published by the International Code Council, Inc.

SECTION IV. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article VI, Gas Code; Section 6-125, Purpose; is hereby amended to read as follows:

Sec. 6-125. Purpose.

The purpose of this article is to provide for regulating the installation, alteration, and maintenance of all piping extending from the point of delivery of gas for use as a fuel and designated to convey or carry the same gas appliances, and regulating the installation and maintenance of appliances designated to use such gas as a fuel, in all buildings and structures that are not regulated by the 2018 edition of the South Carolina Residential Code.

SECTION V. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article VI, Gas Code; Section 6-126, Adopted; is hereby amended to read as follows:

Sec. 6-126. Adopted.

There is hereby adopted by the county council the 2018 edition of the South Carolina Fuel/Gas Code, and all amendments thereto, as published by the International Code Council, Inc. The 2018 South Carolina Fuel/Gas Code is the published version of the 2018 International Fuel/Gas Code with South Carolina Modifications and may be referenced interchangeably. The installation, workmanship, construction, maintenance, or repair of all gas work shall conform to the requirements of this Code.

SECTION VI. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article VII, Mechanical Code; Section 6-139, Purpose; is hereby amended to read as follows:

Sec. 6-139. Purpose.

The purpose of this article is to provide for regulating the installation, alteration, and maintenance of all mechanical systems and other related appurtenances that are not regulated by the 2018 edition of the South Carolina Residential Code.

SECTION VII. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article VII, Mechanical Code; Section 6-140, Adopted; is hereby amended to read as follows:

Sec. 6-140. Adopted.

There is hereby adopted by the county council the 2018 South Carolina Mechanical Code, including Chapter 1 (Administration), and all amendments thereto, as published by the International Code Council, Inc. The 2018 South Carolina Mechanical Code is the published

version of the 2018 International Mechanical Code with South Carolina Modifications and may be referenced interchangeably. The installation of mechanical systems, including alterations, repair, replacements, equipment, appliances, fixtures, and/or appurtenances shall conform to these Code requirements.

SECTION VIII. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article VIII, Plumbing Code; Section 6-153, Purpose; is hereby amended to read as follows:

Sec. 6-153. Purpose.

The purpose of this article is to provide for regulating the installation, alteration, and maintenance of all plumbing and other related appurtenances that are not regulated by the 2015 2018 edition of the South Carolina Residential Code.

SECTION IX. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article VIII, Plumbing Code; Section 6-154, Adopted; is hereby amended to read as follows:

Sec. 6-154. Adopted.

There is hereby adopted by the county council the 2018 South Carolina Plumbing Code, including Chapter 1 (Administration), and all amendments thereto, as published by the International Code Council, Inc. The 2018 South Carolina Plumbing Code is the published version of the 2018 International Plumbing Code with South Carolina Modifications and may be referenced interchangeably. The installation, workmanship, construction, maintenance or repair of all plumbing work shall conform to the requirements of this Code.

SECTION X. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article IV, Electrical Code; Section 6-96, Purpose; is hereby amended to read as follows:

Sec. 6-96. Purpose.

The purpose of this article is to provide for regulating the installation, alteration, and maintenance of all electrical installations that are not regulated by the 2018 edition of the International Residential Code.

SECTION XI. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article IV, Electrical Code; Section 6-97, Adopted; is hereby amended to read as follows:

Sec. 6-97. Adopted.

The workmanship, construction, maintenance or repair of all electrical work shall conform to the requirements set forth in the 2017 edition of the National Electrical Code (NFPA 70) with SC modifications, published by the National Fire Prevention Association.

SECTION XII. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article IX, Swimming Pool Code; Section 6-168, Requirements; is hereby amended to read as follows:

Sec. 6-168. Adoption and requirements.

There is hereby adopted by the county council the 2018 International Swimming Pool and Spa (ISPSC) Code with Modifications, including Chapter 1 (Administration), and all amendments thereto, as published by the International Code Council, Inc. The installation, workmanship, construction, maintenance or repair of all work shall conform to the requirements of this Code. In addition to the requirements imposed by the 2018 edition of the International Swimming Pool and Spa (ISPSC) Code with Modifications, the following administrative requirements are hereby enacted:

(1) A licensed swimming pool contractor shall be responsible for securing a permit from the County Building Official for the installation of any in-ground swimming pool or spa.

(2) In the event an approved wall, fence, or other substantial structure to completely enclose the proposed pool is not in existence at the time an application is made for the permit to install a pool, it shall be the responsibility of the property owner to have the enclosure installed prior to the final inspection and, further, to ensure that said structure remains in place as long as the swimming pool exists.

SECTION XIII. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article X, Property Maintenance; Section 6-182, Adoption; is hereby amended to read as follows:

Sec. 6-182. Adopted.

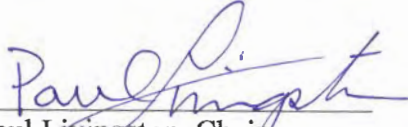
The 2018 edition of the International Property Maintenance Code and all amendments thereto, as published by the International Code Council, Inc., is hereby adopted verbatim and incorporated by reference.

SECTION XIV. 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.

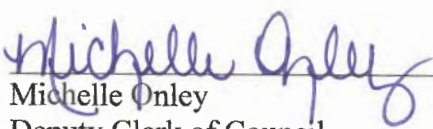
SECTION XV. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION XVI. Effective Date. This ordinance shall be effective from and after May 5, 2020.

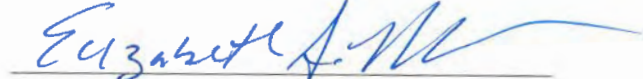
RICHLAND COUNTY COUNCIL

BY: 
Paul Livingston, Chair

ATTEST THIS THE 20 DAY
OF MAY, 2020.


Michelle Onley
Deputy Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE


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

First Reading: March 3, 2020
Second Reading: April 21, 2020
Public Hearing: April 7, 2020
Third Reading: May 5, 2020



2021 South Carolina Code Adoptions

On October 6, 2021, the South Carolina Building Codes Council adopted the latest editions of the mandatory codes and appendices with modifications, as referenced in S.C. Code Ann. §6-9-50 (1976, as amended), to be enforced by all municipalities and counties in South Carolina. The Council established the implementation date for local jurisdictions as **January 1, 2023**.

The adopted modifications and the mandatory codes are as follows:

2021 South Carolina Building Code or the 2021 International Building Code with SC modifications
2021 South Carolina Residential Code or the 2021 International Residential Code with SC modifications
2021 South Carolina Fire Code or the 2021 International Fire Code with SC modifications
2021 South Carolina Plumbing Code or the 2021 International Plumbing Code with SC modifications
2021 South Carolina Mechanical Code or the 2021 International Mechanical Code with SC modifications
2021 South Carolina Fuel Gas Code or the 2021 International Fuel Gas Code with SC modifications
2009 South Carolina Energy Conservation Code
2020 National Electrical Code (NFPA 70) with SC modifications

Print and PDF download versions of the 2021 South Carolina codes are available for pre-order from the [ICC website](#).

The International Codes are to be used in conjunction with the latest [code modifications](#) approved by the Council. Only the modifications approved and listed on the Council's website are valid for use in the State. Building code modifications that have not been approved by the Council are invalid and cannot be adopted, employed or enforced by municipalities and counties.

The latest edition of ICC/ANSI A117.1, Accessible and Useable Buildings and Facilities, is adopted by the [Accessibility Act](#), S.C. Code Ann. § 10-5-210 et seq., and is mandatory for use in all municipalities and counties within the State.

The Building [Energy Standard Act](#) is adopted by statute and mandatory for use in all jurisdictions within the state.

Additional information can be found on the South Carolina Building Codes Council's [website](#).

Richland County Council Request for Action

Subject:

An Ordinance Amending the Richland County Code of Ordinances; Chapter 18, Offenses; by adding Section 18-10, so as to prohibit the desecration of a gravesite, cemetery, or burial ground and to provide penalties

Notes:

March 26, 2024 – The A&F Committee recommended that Council approve the proposed ordinance to better protect graves, graveyards, tombs, mausoleums, Native American burial grounds or burial mounds, and other repositories of human remains in Richland County.

First Reading:

Second Reading:

Third Reading:

Public Hearing:

**RICHLAND COUNTY
ADMINISTRATION**

2020 Hampton Street, Suite 4069
Columbia, SC 29204
803-576-2050



Agenda Briefing

Prepared by:	John McKenzie	Title:	Analyst
Department:	Community Planning & Development	Division:	Conservation
Date Prepared:	March 4, 2024	Meeting Date:	March 26, 2024
Legal Review	Christopher Zeigler via email	Date:	March 12, 2024
Budget Review	Maddison Wilkerson via email	Date:	March 7, 2024
Finance Review	Stacey Hamm via email	Date:	March 8, 2024
Approved for consideration:	Assistant County Administrator	Aric A Jensen, AICP	
Meeting/Committee	Administration & Finance		
Subject	New Ordinance for Cemetery Protection		

RECOMMENDED/REQUESTED ACTION:

Staff requests approval of a proposed ordinance (attached) to better protect graves, graveyards, tombs, mausoleums, Native American burial grounds or burial mounds, and other repositories of human remains in Richland County.

Request for Council Reconsideration: Yes

FIDUCIARY:

Are funds allocated in the department’s current fiscal year budget?	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
If not, is a budget amendment necessary?	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No

ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

There is no anticipated fiscal impact.

Applicable department/grant key and object codes: Not applicable

OFFICE OF PROCUREMENT & CONTRACTING FEEDBACK:

Not applicable.

COUNTY ATTORNEY’S OFFICE FEEDBACK/POSSIBLE AREA(S) OF LEGAL EXPOSURE:

There are no legal concerns regarding this matter.

REGULATORY COMPLIANCE:

South Carolina Code of Laws, Section 16-17-600.

MOTION OF ORIGIN:

There is no associated Council motion of origin.

STRATEGIC & GENERATIVE DISCUSSION:

After the recent desecration of a cemetery by a private party, Conservation Division staff and the Richland County Conservation Commission (RCCC) initiated the proposed ordinance to deter future events by strengthening and expanding the penalties for engaging in such activity. The draft ordinance was prepared by the County Attorney' Office and allows for the imposition of civil penalties in addition to existing state criminal penalties.

The proposed ordinance specifically protects graves, graveyards, tombs, mausoleums, Native American burial grounds or burial mounds, and other repositories of human remains. Additionally, subsection (D) requires that any development or ground disturbance work cease immediately upon discovery or notification, and that the parties must inform the County and other agencies of the discovery.

ASSOCIATED STRATEGIC GOAL, OBJECTIVE, AND INTIATIVE:

The proposed ordinance meets the goals in the Strategic Plan for Richland County as outlined below:

- 1) Foster Good Governance - Objectives 1.1 and 1.2: The ordinance was proposed with realistic and achievable goals and a shared vision and agreement with county leadership.
- 4) Plan for Growth through Inclusive and Equitable Infrastructure – Objective 4.1: The protection of cultural and historical resources and properties is a component of smart growth.
- 5) Achieve Positive Public Engagement - Objectives 5.1, 5.2, 5.5,5.6, and 5.7: The proposed ordinance meets these objectives by protecting cultural and historical resources of Richland County that are cherished by its citizens and appreciated by visitors.

ADDITIONAL COMMENTS FOR CONSIDERATION:

Richland County Council created the Richland County Conservation Commission (RCCC) by ordinance in 1998. The RCCC is charged with promoting the protection of the County's natural, historic, and cultural resources and promoting nature-based recreation and eco- and heritage tourism. The ordinance further protects Richland County's graves, graveyards, tombs, mausoleums, Native American burial grounds or burial mounds. This is a strategic goal of the RCCC. The RCCC unanimously recommended the proposed ordinance for County Council consideration at its January 22, 2024 meeting (see attached minutes).

County Council considered a rezoning request at the February 27, 2024 Zoning Public Hearing that required steps to protect a recently identified historic cemetery. (RC PROJECT: 23-026MA, APPLICANT: Tony Lawton, LOCATION: 113 Sease Road, TAX MAP NUMBER: R04003-02-17) Minutes for this hearing are not yet available. The Richland County Code of Ordinances, Chapter 18: Offenses, would be amended by adding the proposed ordinance (Section 18-10).

ATTACHMENTS:

1. Cemetery Protection Ordinance
2. Richland County Conservation Commission January 22, 2024 Meeting Minutes

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. _____-24HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 18, OFFENSES; BY ADDING SECTION 18-10 SO AS TO PROHIBIT THE DESECRATION OF A GRAVESITE, CEMETERY, OR BURIAL GROUND AND TO PROVIDE PENALTIES.

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 18, Offenses, is hereby amended by adding Section 18-10 to read:

“Section 18-10. (A) It is unlawful for a person to willfully and knowingly, and without proper legal authority, to:

- (1) obliterate, vandalize, or desecrate a burial ground where human skeletal remains are buried, a grave, graveyard, tomb, mausoleum, Native American burial ground or burial mound, or other repository of human remains;
- (2) deface, vandalize, injure, or remove a gravestone or other memorial monument or mark commemorating a deceased person or group of persons, whether located within or outside of a recognized cemetery, Native American burial ground or burial mound, memorial park, or battlefield; or
- (3) obliterate, vandalize, or desecrate a park, Native American burial ground or burial mound, or other area clearly designated to preserve and perpetuate the memory of a deceased person or group of persons.

(B) In addition to being subject to the criminal penalties provided in the South Carolina Code of Laws, Section 16-17-600, an infraction of this Section is punishable by a fine of up to five hundred dollars (\$500). Each day’s continued violation constitutes a separate and distinct offense. A violation is deemed continued if a person:

- (1) continually engages in an activity prohibited pursuant to subsection (A);
- (2) fails to report a previously committed activity prohibited pursuant to subsection (A) to an appropriate County or State entity; or
- (3) fails to undertake remedial actions addressing a previously committed activity prohibited pursuant to subsection (A).

(C) This section shall be enforced by the county sheriff’s department and code enforcement officers commissioned by County Council pursuant to the provisions of Section 1-12 of this Code of Ordinances.

(D) During any construction, development, re-development, or ground disturbing activity, if a person discovers or is otherwise put on notice of any known or probable gravesites on the subject lot, including but not limited to human remains, grave stones, grave markers, ground depressions,

historical markers, historic maps, plats or surveys, photographs, or other indicators of probable gravesites, the person must immediately cease any ground disturbing work and report such notice to the Department of Community Planning and Development Services, as well as the county coroner and the appropriate state agencies including the state historic preservation office and the South Carolina Department of Health and Environmental Control. No further ground disturbing activities shall commence until authorization to proceed is issued by the State and County in accordance with state law.”

SECTION II. Conflicting Ordinances. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION III. Effective Date. This ordinance shall be enforced from and after _____.

RICHLAND COUNTY COUNCIL

By: _____
Jesica Mackey, Chair

Attest this _____ day of
_____, 2024.

Anette Kirylo
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:



2020 Hampton Street • Room 3063A
 Columbia, SC 29204
 (803) 576-2080
 January 22, 2024
 4th Floor Conference Room
 January Meeting Minutes

Attendance

Commissioner	District	Present	Staff & Visitors	Affiliation
Charles Weber	1	Yes	John McKenzie	Conservation Division
James Young	2	Yes	Val Morris	Conservation Division
Wayman Stover	3	Yes	Quinton Epps	Conservation Division
Glenice Pearson	4	Yes	Aric Jensen	Assistant County Administrator
Kip Dillihay	5	Yes		
John Grego	6	Yes		
Robert Squirewell	7	Yes		
Deborah DePaoli	8	Yes		
Khali Gallman	9	Yes		
Darrell Jackson Jr.	10	No		
Gail Rodriguez	11	No		

Call to Order

Grego welcomed everyone and called the meeting to order with a quorum at 3:32 pm. Members, staff, and guests met in-person or by Zoom.

Approval of Agenda

- ⇒ **Weber moved to amend the agenda to add the Mill Creek Bridge proposal as an action item which was seconded by Young. Motion passed unanimously.**

Approval of Minutes

- ⇒ **Young moved to approve November minutes which was seconded by Stover. Motion passed unanimously.**

Report of the Chair

- **Officer Elections – action item:** Elections for Richland County Conservation Commission (RCCC).
- ⇒ **Weber moved to retain the slate of officers from the previous year which was seconded by Stover. Motion passed unanimously.**
- **John Grego, RCCC, Chair**
 - **Khali Gallman, Historic Preservation Committee, Chair**
 - **Charles Weber, Natural Resource Committee, Chair**
 - **Robert Squirewell, RCCC, Treasurer**

- **Rules of Procedure – action item:** Grego reported the DRAFT Rules of Procedure need to be updated to provide for the current names of the RCCC committees and other items.

⇒ **Young moved to approve the Rules of Procedure as amended which was seconded by Stover. Motion passed unanimously.**

- **Congaree Biosphere Region - update:** Grego reported the Congaree Biosphere Region is getting closer to adopting their by-laws. Additionally, he mentioned the 2024 Congaree Research Symposium which features Congaree Biosphere Region will take place on February 1st through February 2nd 2024. In conclusion, Grego reported he along with others will arrange a lunch or dinner with Cliff McCreedy, the Science and Stewardship Coordinator for National Park Service who is a supporter of the Lower Richland Tourism Plan (LRTP).
- **Greenway Advisory Committee - update:** Grego reported Permit approvals/plans for the Crane Creek Greenway have been submitted to City of Columbia, DHEC and Army Corps of Engineer. In addition, access points, Devine Street crossing at Crowson Road and dedicated right-of-way were discussed for the Gills Creek Greenway.
- **Columbia Rowing Club Operating Agreement:** Grego reported the agreement was approved by County Council and has made its way up to administration for the signature process.
- **Advocacy – update:** Stover, Dilihay, Grego and Gallman reported they spoke with councilmembers giving them updates about the projects with the RCCC.

Report from Community Planning & Development

- **Land Development Code-Remapping Restart – update:** Jensen reported a draft of the Olympia Historic Plan is being viewed by different organizations like the City of Columbia and Richland County Planning and Zoning Board for their input. Jensen also commended RCCC for their efforts with the Historic Preservation Plan (HPP).

Treasurer’s Report

- **FY23–24 General Budget – update:** Squirewell reported money was moved in the budget, (line items 529500 and 531400) to help with upkeep and landscaping for Pinewood Lake Park and to purchase a tractor. No other major changes were made to the budget.
- **FY24-25 Proposed Budget – update:** Epps reported the proposed FY24-25 budget is similar to last year, however he will add line items for the Lower Richland Tourism Plan Implementation, and remove items for Historic Preservation Plan (HPP), Heritage Tourism Marketing Plan (HTMP) Implementation, Mill Creek Bridge Replacement. In conclusion, he spoke about the work in progress for purchasing the Cabin Branch properties

Historic Preservation Committee (HPC) Report

- **HTMP Implementation RFP – action item:**

- ⇒ **Gallman moved to proceed with the HTMP Implementation which was seconded by Weber. Motion passed unanimously.**

There was discussion about the urgency in moving forward with the implementation to avoid losing the funds for the project. Pearson stated she felt the committee wasn't given ample time to discuss the plan especially during the December holidays. McKenzie stated the HTMP was on the agenda as an action plan since last March and was included in the FY23-24 budget.

- **Historic Preservation Plan RFP – action item:**

- ⇒ **Gallman moved to proceed with the HPP which was seconded by Weber. Motion passed. Pearson and Squirewell opposed the vote stating they support the plan but disagree with some of the verbiage.**

- **Cemetery Protection Ordinance – action item:**

- ⇒ **Gallman moved to proceed with the Cemetery Protection Ordinance which was seconded by Young. Motion passed unanimously.**

Natural Resources Committee (NRC) Report

- **Forestry Stewardship Plan – action item:**

- ⇒ **Weber moved to proceed with the Forestry Stewardship Plan which was seconded by Young. Motion passed unanimously.**

- **Mill Creek Bridge – action item:** Epps reported he budgeted the replacement cost to be about \$700,000.00, after the solicitation was done the lowest bid came in at \$1,145,479.00. Epps proposed transferring \$445,149.00 from the Acquisition budget the Construction budget for the replacement of the Mill Creek Bridge.

- ⇒ **Weber moved to accept the proposal Epps made for the replacement of the Mill Creek Bridge which was seconded by Young. Motion passed unanimously.**

- **Scout Motors – update:** Weber reported Scout Motors has received their permits from the Army Corps of Engineers (ACE), they will resume development at the site.
- **Potential Property Purchase – update:** Weber reported still a work in progress.
- **Bates Old River – update:** Grego reported he put together a draft email for the staff to review regarding the Columbia Rowing Club and Richland County Recreation Commission (RCRC).
- **Mitigation Bank Credits – update:** Weber reported still a work in progress.

Conservation Program Analyst's Report

- **Fabel Easement – update:** McKenzie reported still a work in progress no new updates.
- **Lake Elizabeth Conservation Easement – update:** McKenzie reported still a work in progress no new updates.
- **Benedict College grant – update:** McKenzie reported the project is completed.
- **FY23-24 RCCC Grants – update:** McKenzie reported all of the grantee’s submitted their quarterly reports on time and everyone is on track.
- **Zoom Grant Evaluation Training – update:** McKenzie reported he created a document to be sent out with links on how to review grants.
- **Events – update:** McKenzie report COACH Documentary will be premiered on Saturday, March 2,2024 at Trinity Baptist Church, 2521 Richland Street, Columbia, SC.

⇒ **Grego moved to extend the meeting by 10 minutes which was seconded by Weber. Motion passed unanimously.**

Conservation Manager’s Report

- **Annual Work Plan – action item:** Epps reported Grego will present the Annual Work Plan to County Council on March 19, 2024. Epps gave a brief overview of the items Grego will cover during the presentation.

⇒ **Weber moved to approve the Annual Work Plan which was seconded by Young. Motion passed unanimously.**

- **Staff Vacancy - update:** Epps reported he had an applicant for the Land Planner position, however the applicant declined the offer. He also reported Chelsea Holliday has been hired as the new Administrative Assistant, with a start date of February 12, 2024. In addition, he reported in conjunction with the Planning Department he was able to hire a Sustainability Planner, Jessica Thompson who will start the same date as Holliday.
- **New Business:** Grego reported on the behalf of RCCC he purchased three trees in honor of Mildred Myers, a former commissioner who passed away in November 2023.

- **Public Input:** None reported

- **Adjournment:**

⇒ **At 5:06 pm, Weber moved to adjourn the meeting, which was seconded by Young. Motion passed unanimously.**

Respectfully submitted, Val Morris

Richland County Council Request for Action

Subject:

Utilities - Greenlake Gravity Sewer Rehabilitation

Notes:

March 26, 2024 – The A&F Committee recommended that Council approve the award of the rehabilitation phase to Vortex Companies.

**RICHLAND COUNTY
ADMINISTRATION**

2020 Hampton Street, Suite 4069
Columbia, SC 29204
803-576-2050



Agenda Briefing

Prepared by:	Bill Davis	Title:	Director
Department:	Utilities	Division:	
Date Prepared:	March 4, 2024	Meeting Date:	March 26, 2024
Legal Review	Patrick Wright via email	Date:	March 7, 2024
Budget Review	Maddison Wilkerson via email	Date:	March 15, 2024
Finance Review	Stacey Hamm via email	Date:	March 18, 2024
Approved for consideration:	Assistant County Administrator	John M. Thompson, Ph.D., MBA, CPM, SCEM	
Meeting/Committee	Administration & Finance		
Subject	Greenlake Subdivision Gravity Sewer System Rehabilitation		

RECOMMENDED/REQUESTED ACTION:

Staff recommends that County Council approve awarding the rehabilitation phase to Vortex Companies.

Request for Council Reconsideration: Yes

FIDUCIARY:

Are funds allocated in the department’s current fiscal year budget?	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
If not, is a budget amendment necessary?	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No

ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

The estimated total cost for this project is \$750,000 which includes a 25% contingency. The Community Development Block Grant (CDBG) will fund about \$460,000, and the Utilities Department will fund the match.

Applicable department/grant key and object codes: Match: 2110367000/4892301.538200
CDBG: 1202992010/4892300.526703

OFFICE OF PROCUREMENT & CONTRACTING FEEDBACK:

There are no concerns from Procurement.

COUNTY ATTORNEY’S OFFICE FEEDBACK/POSSIBLE AREA(S) OF LEGAL EXPOSURE:

There are no legal concerns regarding this matter.

REGULATORY COMPLIANCE:

Rehabilitating the collection system would aid in reducing the amount of inflow & infiltration (I&I) primarily from groundwater entering the system. Reduced I&I would, in turn, aid in the reduction of the Sanitary Sewer Overflows (SSOs), which could lead to potential regulatory and health issues. We would also greatly reduce sources of sewer line blockages, such as roots, and the additional costs associated with collecting, pumping, and treating groundwater from the system. Monitoring showed for a recent rain event the pumps ran about 60% longer when compared to a dry weather day. It is not uncommon

for pump run times to increase following rain events, but reducing the volume of I&I will most definitely lower the amount of wasted energy associated with rain getting into the sewer system.

MOTION OF ORIGIN:

There is no associated motion of origin.

STRATEGIC & GENERATIVE DISCUSSION:

The Greenlake collection system was built in the late 1980s and early 1990s, and many of the gravity sewer lines have reached the end of their useful life. Constructing a new sewer system has become a very costly capital expenditure. Using trenchless technology allows the County to rehabilitate sewer lines using a very effective alternative.

The cost for constructing a new 8" sewer line can be 125% more than the trenchless technology methods recommended. Staff recommend Cured-In-Place Pipe (CIPP) and Pipe Bursting, which are two trenchless technologies for rehabilitating sewer lines. These methods of rehabilitation completely renew the life expectancy of the sewer assets in a very cost-effective way.

The gravity sewer lines in the subdivision will be inspected using closed-circuit television (CCTV). This is the best way to identify sources of inflow and infiltration (I&I) and other defects. Once the lines are inspected they will be rated from one (1) through five (5), where 1 is in the best condition, and 5 is the highest priority for rehabilitation. This project will focus on categories 3, 4, and 5, which represent the system's highest risk of failure. This project will reduce the amount of I&I entering the County's collection system, and the associated costs of collecting and inadvertently treating groundwater entering the system. The proposed project would include approximately 15,000 ft of CIPP and associated repairs to manholes and individual lateral connections. The Greenlake Collection System Rehabilitation will improve the sewer flow, thereby reducing sanitary sewer outflows (SSOs), and it will lessen the residents' potential for sewer back-ups. This project will be a subdivision-wide solution.

Should Council deny the request, Richland County Utilities Department staff will address issues as they arise and may face potential regulatory issues if SSOs occur. This project will also help reduce staff deployment time for line repairs and response to emergencies during SSOs and system backups. Additional cost savings include the operation and maintenance of the pumps and other equipment as well as reduced run times associated with I&I. Renewal of the aging piping will increase the life and overall reliability of the system.

Prices for the project will be obtained from Houston-Galveston Area Council (H-GAC) Cooperative Purchasing Program. Through this procurement-approved program, local governments are allowed to purchase services which have already been competitively solicited and awarded by HGAC in compliance with County procurement guidelines and federal grant regulations. Federal guidelines encourage the use of cooperative purchasing agreements which allow for expedited procurement timelines and reduced administrative costs. Vortex Company is a local and national provider of sewer rehabilitation services.

ASSOCIATED STRATEGIC GOAL, OBJECTIVE, AND INITIATIVE:

- Goal 1: Foster Good Governance
 - Objective 1.5: Collaborate with other governments
- Goal 6: Establish Operational Excellence
 - Objective 6.7: Address current and future resource needs

Richland County Council Request for Action

Subject:

Department of Public Works - Engineering - Springwood Lakes High Hazard Potential Dam Rehabilitation Grant

Notes:

March 26, 2024 – The A&F Committee recommended that Council approve the design services for the Springwood Lake high-hazard dam rehabilitation.

**RICHLAND COUNTY
ADMINISTRATION**

2020 Hampton Street, Suite 4069
Columbia, SC 29204
803-576-2050



Agenda Briefing

Prepared by:	Shirani W Fuller	Title:	County Engineer
Department:	Public Works	Division:	Engineering
Date Prepared:	March 6, 2024	Meeting Date:	March 26, 2024
Legal Review	Patrick Wright via email	Date:	March 14, 2024
Budget Review	Maddison Wilkerson via email	Date:	March 11, 2024
Finance Review	Stacey Hamm via email	Date:	March 11, 2024
Approved for consideration:	Assistant County Administrator	John M. Thompson, Ph.D., MBA, CPM, SCEM	
Meeting/Committee	Administration & Finance		
Subject	Springwood Lake- High Hazard Potential Dam Rehabilitation Grant		

RECOMMENDED/REQUESTED ACTION:

The Department of Public Works recommends approval of the design services for the Springwood Lake high hazard dam rehabilitation.

Request for Council Reconsideration: Yes

FIDUCIARY:

Are funds allocated in the department’s current fiscal year budget?	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
If not, is a budget amendment necessary?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No

ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

Richland County received notification from the South Carolina Department of Environmental Health (SCDHEC) that the Springwood Lake high hazard dam was selected for grant funding in the amount of \$373,750 (65%). This grant is for the design of repairs to Springwood Lake dam to bring the dam into compliance with current safety regulations. A previous grant in the amount of \$201,250 (35%) from the State General Assembly is being used as matching funds.

<i>Applicable department/grant key and object codes:</i>	\$373,750	SCDHEC grant (code TBD)
	\$201,250	1200992030/4844200/526200

OFFICE OF PROCUREMENT & CONTRACTING FEEDBACK:

Not applicable.

COUNTY ATTORNEY’S OFFICE FEEDBACK/POSSIBLE AREA(S) OF LEGAL EXPOSURE:

The legal concerns are that usually, if the County is a pass-through, it only receives and distributes money to other entities. For this project, the County is taking the responsibility of procurement, submitting to FEMA requirements, and possibly some level of oversight and responsibility that could open the County up to liability that it would otherwise not have, for property it does not own.

REGULATORY COMPLIANCE:

Springwood Lake dam is noncompliant with state and federal regulations for dam safety. The dam is classified as a high-hazard (i.e., a Class 1) dam, and its overall condition is assessed as “Unsatisfactory” by the South Carolina Department of Health and Environmental Control (SCDHEC). This rating, as established by the U.S. Army Corps of Engineers for the National Inventory of Dams, means “A dam safety deficiency is recognized that requires immediate or emergency remedial action for problem resolution.” This grant and the ultimate repair of this dam are critical for the safety of the surrounding area.

MOTION OF ORIGIN:

There is no Council motion of origin.

STRATEGIC & GENERATIVE DISCUSSION:

Through the Department of Homeland Security Appropriations Act, 2022 (Pub. L. No. 117-103) as well as the Infrastructure Investment and Jobs Act (Pub. L. No. 117-58), the Rehabilitation of High Hazard Potential Dams (HHPD) Grant Program, under the administration of FEMA’s National Dam Safety Program (NDSP), has made federal funds available to states for pass through to non-Federal governmental organizations to rehabilitate eligible high hazard potential dam (HHPDs) that fail to meet minimum state dam safety standards and pose an unacceptable risk to life and property.

Richland County is a recipient of the FY22 HHPD Grant for the design of Springwood Lake Dam. The Springwood Lake Community is composed of approximately 400 homes encompassing a series of ponds, the largest of which is Springwood Lake for which the community is named. The lake has a surface area of 32 acres with a maximum pre-flood storage capacity of approximately 233 acre-feet of water and a normal pool storage capacity of 191 acre-feet.

Springwood Lake Dam is a DHEC regulated, high hazard dam that impounds Little Jackson Creek to form the Springwood Lake. It was initially constructed in 1954, and has become an amenity for the Springwood Lake Community, and serving to convey Creekwood Drive across the lake. Currently, the dam also serves as a de facto flood control structure by regulating downstream flow, including stormwater flow, in Little Jackson Creek. Approximately 250 feet downstream of the dam is the westbound lane of I-20. Within 1000 feet downstream of the dam is Firelane Rd, Deer Park Apartments, and Lowes Home Improvement.

By accepting grant funding, the County is required to submit to FEMA a completed county-wide Flood Mitigation Plan and a Hazard Mitigation Plan that incorporates “all dam risks” by January 2025.

ASSOCIATED STRATEGIC GOAL, OBJECTIVE, AND INITIATIVE:

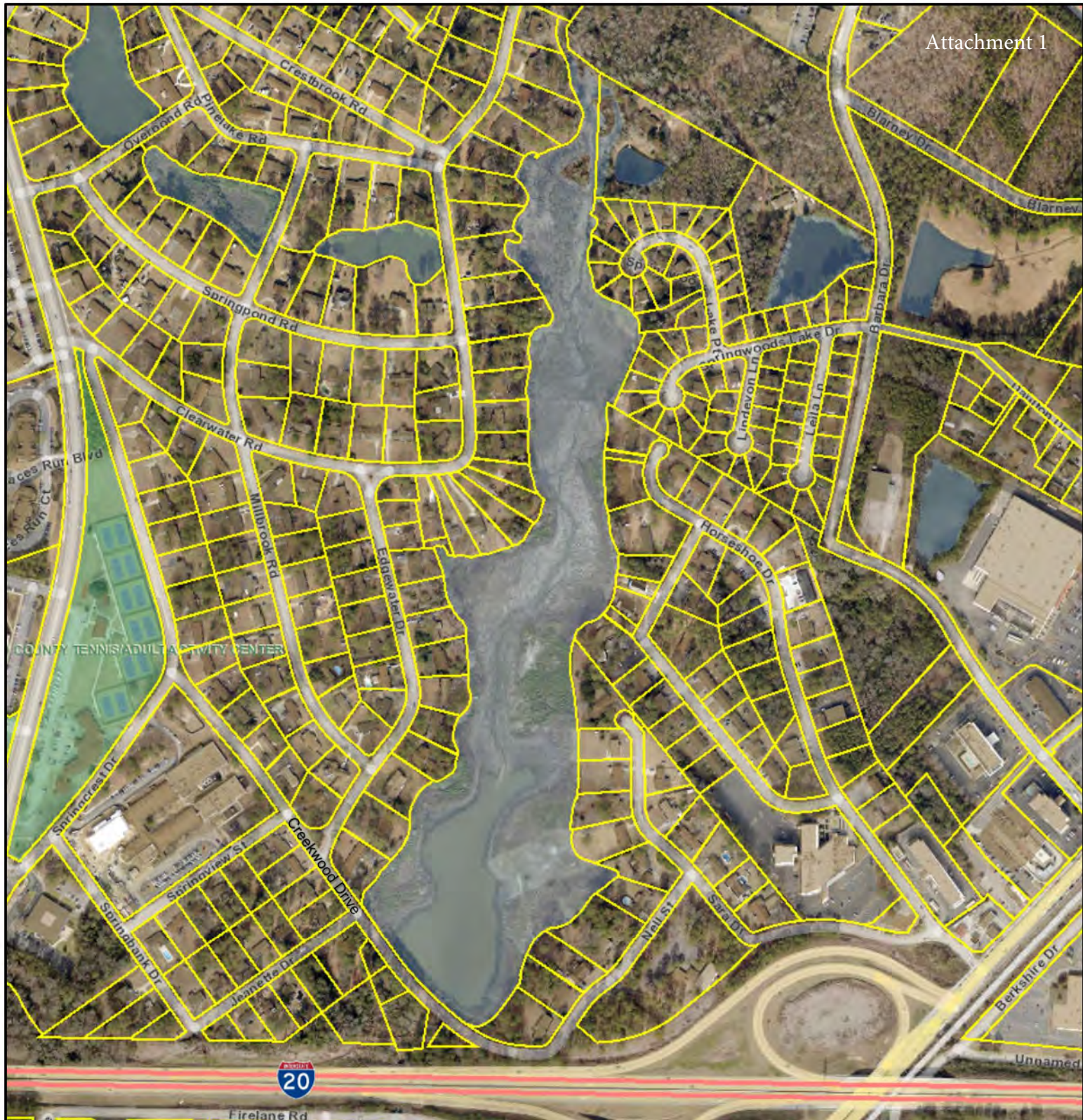
- Goal 4: Plan for growth through inclusive and equitable infrastructure
 - Objective 4.1: Establish plans and success metrics that allow for smart growth
 - Objective 4.2: Coordinate departments to prepare for anticipated growth in areas by providing water, sewer, and roads in necessary locations
 - Objective 4.3: Create excellent facilities

ADDITIONAL COMMENTS FOR CONSIDERATION:

Staff is seeking pre-approval to award of professional services based on the bids meeting the available funding. Pre-approval will enable staff to stay on track with the project timeline and meet pre-determined deadlines. The ability to use SCDHEC funding reduces the overall cost to the residents of financing the project and assists the County in protecting the public and private assets that could be damaged if the dam were to fully breach.

ATTACHMENTS:

1. Map
2. Request for Proposal



RICHLAND COUNTY

SOUTH CAROLINA
DEPARTMENT OF PUBLIC WORKS

DATE: 3/6/2024

SCALE: NTS

Springwood Lake Dam

ENGINEERING DIVISION

FIGURE 1



February 28, 2024

Request for Proposal for Springwood Lake Dam Rehabilitation (design)

Project Description:

Through the Department of Homeland Security Appropriations Act, 2022 (Pub. L. No. 117-103) as well as the Infrastructure Investment and Jobs Act (Pub. L. No. 117-58), the Rehabilitation of High Hazard Potential Dams (HHPD) Grant Program, under the administration of FEMA's National Dam Safety Program (NDSP), has made federal funds available to states for FFY22 for pass through to non-Federal governmental organizations or nonprofit organizations to rehabilitate eligible HHPDs that fail to meet minimum state dam safety standards and pose an unacceptable risk to life and property.

Richland County is a recipient of the FY22 HHPD Grant for the design of Springwood Lake Dam (D0558). The Springwood Lake Community is composed of approximately 400 homes encompassing a series of ponds, the largest of which is Springwood Lake for which the community is named. The lake has a surface area of 32 acres with a maximum pre-flood storage capacity of approximately 233 acre-feet of water and a normal pool storage capacity of 191 acre-feet.

Springwood Lake Dam, D 0558, is a DHEC regulated, high hazard dam that impounds Little Jackson Creek to form the Springwood Lake. The dam is located at Latitude 34.074831, Longitude -80.952988. It was initially constructed in 1954, presumably as an amenity for the Springwood Lake Community, and serving to convey Creekwood Drive across the lake. Currently, the dam also serves as a de facto flood control structure by regulating downstream flow, including stormwater flow, in Little Jackson Creek. Downstream of the dam, Little Jackson Creek flows under interstate I-20.

The County is seeking proposals to complete the preliminary project requirements, complete the semi-quantitative risk assessment, finalize the repair design, assist with bid document drafting, and preparing the project for construction.

Detailed Scope of Services: The scope of work proposed to be completed with grant funding is addressed in the following sections.

1.Semi-Quantitative Risk Assessment

A risk analysis is required to be performed by the Grant NOFO. The first scope item to be performed with grant funding will be to complete a comprehensive SQRA performed in compliance with the US Department of Interior Bureau of Reclamation Best Practice on Dam and Levee Safety Risk Analysis (Version 4.1) – Appendix A. Development of a comprehensive dam breach inundation map at pre-flood full pool elevations and at 0.5 and 1.0 foot lower than pre-flood full pool elevations. Perform a SQRA workshop to identify, quantify, and prioritize dam failure modes which will be prioritized with estimated probabilities developed for each mode. Based on the results, an SQRA Risk Report, with risk matrices will be prepared and submitted to DHEC. Upon completion of the project, the SQRA will be included as a standalone appendix in the Springwood Lake Emergency Action Plan.

2.Dam Breach Analysis

A dam breach analysis will be completed to confirm the high hazard class of the dam and receive agency approval. The dam breach is anticipated to require detailed analysis of the breach flow path and inundation area for the 100-year, 50% PMF, and 100% PMF under sunny day and storm conditions. A HEC-RAS model of the breach flow path will be created to generate danger reach maps for inclusion in the EAP. A summary of the computations and results will be prepared for the H&H Report.



Outputs from the modeling will be used to generate updated danger reach maps, ACER charts, and an updated breach analysis narrative. Graphics will be provided to the County for inclusion in the Emergency Action Plan (EAP). The results, maps, and graphics from the dam breach analysis will be incorporated into the updated Flood Plain Management Plan and the EAP.

3. Permitting

The following permits have been identified and will be obtained as part of this project:

- US Army Corps of Engineers Wetlands Delineation
- US Army Corps of Engineers Jurisdictional Determination
- DHEC Water Quality Certification (Section 401)
- DHEC Dam Modification Permit
- Richland County SWPP/NOI (includes Land Disturbance and NPDES Notification)
- SCDOT Encroachment Permit

4. Discipline Specific Scope Tasks

Based on observed damages, repairs to Springwood Lake Dam will require a multi-disciplined approach to a comprehensive design. The analysis will fully document the hydrologic and hydraulic models, inputs, and the results as well as including all back-up calculations and the engineer's design notes.

H&H design will be used to drive design requirements for spillway sizing, normal pool reservoir water level elevation, and freeboard requirements. The results of the hydrologic and hydraulic analysis will be included in a technical design report for the overall project.

5. Geotechnical Design

The Springwood Lake Dam is an earthen embankment dam that has documented occurrences of internal erosion (“piping”), settlement, deep voids (improperly termed “sinkholes” in the ASDSO Report), development in the crest of the dam, and visually observed voids underlying the concrete lined auxiliary spillway channel. Repairs will be designed under the direction of a Professional Engineer licensed in the State of South Carolina, who is experienced in earthen dam design. The following analysis and tasks have been identified to be completed:

Seismicity

Subsurface Investigation

Geotechnical Laboratory Testing

Analysis and Design

6. Survey and Utility Coordination

Some surveying and utility location has been completed during the preparatory phase of the project. The scope of the services outlined below is to obtain supplemental information to support the H&H design, geotechnical design, repair plan development, and inundation mapping. Surveying to be performed during this phase of the design will be to fill in data gaps and/or obtain additional information as necessary.

Additional field survey to produce a topographic survey, on 1-foot contour intervals will be collected. The survey will include the dam, reservoir, spillways and appurtenant structures, Creekwood Drive, and the SCDOT bridge over the auxiliary spillway. Surveyors will locate and identify dam crest elevation, upstream and downstream toe elevations, water levels, bottom of pond elevations, spillway intakes (location, size, and invert elevation), spillway systems (location, invert elevations, outfalls, and plunge pools), siphons (location, size, and invert elevation), roads (shoulders, pavement width, and curb and gutter), drainage infrastructure (including invert elevation of pipes, inlets, manholes, catch basins, and ditches), and utilities. Additional or supplemental information pertaining to the reservoir will be collected that may include location, width, top of water elevation, and normal pool water level extents.

Field data will also be collected at the spillway system discharge locations, the plunge pool locations, bottom of stream elevations, width of plunge pools, top of water elevations, and their confluence with Little Jackson Creek. Data will also



be collected from the plunge pool confluences to generate cross sections every 100 feet downstream for a distance of 500 feet downstream of the bridge on Firelane Road.

Relevant field data will be collected at the SCDOT culvert locations traversed by I-20 East and I-20 West including locations, dimensions, and invert elevations. Surveyors will also collect any additional field data necessary to plot the wetlands delineation (conducted and flagged by others).

From the fieldwork a detail survey will be plotted that in addition to containing the information collected as described above will detail Creekwood Drive with stationing set every 50 feet, cross sections of the dam embankments at the stations, control points, benchmarks, and details of the SCDOT bridge over the auxiliary spillway (location, dimensions, elevations, foundation element locations and sizes, and under bridge details of the concrete lining of the auxiliary spillway. Surveys will be drafted in MicroStation DGN file format or AutoCAD DWG file format, whichever is preferred or requested.

7.Repair Design and Bid Document Assistance

Upon completion of the field studies, detailed repair plans will be drafted. Plan preparation will begin with conceptual plans, approximately 35% complete. When complete, the plans will be presented to the County for review and comment.

As modeling and design are finalized and based on comments from the reviewers, plans will be advanced to 65% complete. At this stage, plans will be submitted to regulatory agencies to begin the permitting process. Also, the Design Team, the County, DHEC, and SCDOT Representatives will meet on-site to review the plans, discuss the repairs, note any additional items that need to be included in the plans, discuss any Right of Way permissions that may be needed for construction, and to collect additional comments. Once comments and review items are received, they will be addressed, and plans will move into the final design stage.

When the plans are 90% complete, they will be provided to the County for final review and comment. Once estimated quantities are generated, an Engineer's Opinion of Probable Construction Costs will be generated. Any final comments from the stakeholders will be incorporated and the plans will be ready to issue for construction.

Additionally, when the plans are 90% complete, the technical specifications will be drafted then circulated for review and comment. All comments will be addressed and submitted to the County with the Issued for Construction Plans for the County to begin final preparation of the bid package. Additionally, a grant package will be prepared for additional funding through the HHPD grant program repair construction.

8.Public Outreach and Stakeholder Engagement

This project is very visible and public interest is expected to grow as the project moves through the design and construction phases. An essential element of this project will be to regularly update the public and stakeholders (community, elected officials, Richland County, SCDOT, DHEC, and other regulatory agencies) as the project progresses.

This is expected to entail updating the homeowner's association at their regularly scheduled meetings and other meetings as requested by Richland County. The County will host a page on their website dedicated to the project to provide easily accessible information at any time.

9.SCDOT Engagement

The bridge over the auxiliary spillway is an SCDOT owned infrastructure asset. When the Creekwood Drive is reopened, the bridge will actively convey traffic again. Therefore, any work on, under, or near the bridge will have to be coordinated with the SCDOT. This is, at a minimum, expected to necessitate obtaining an Encroachment Permit for repairs to the auxiliary spillway system and excavation at the approaches.

The design and repair of Springwood Lake Dam will return the dam to an elevation that corresponds to the final subgrade elevation of Creekwood Drive. Once the final subgrade elevation has been attained, the SCDOT is anticipated to reconstruct and reopen Creekwood Drive.



10.O&M Plan and Floodplain Management Development and Emergency Action Plan Update

Development of both an O&M Plan and a Floodplain Management Plan is required under approved grant funding for this project. Both plans will be completed as required in the NOFO, according to generally accepted engineering principles. The existing EAP is approximately 20 years old.

The O&M plan will outline routine maintenance tasks for maximizing the continued safe functioning of the dam and addressing adverse conditions at early stages prior to them becoming major dam safety issues. Copies will be provided to the Dam Owner for immediate implementation following construction.

The Floodplain Management Plan and EAP will be developed according to DHEC guidelines and recommendations, with input from the Richland County Floodplain Manager. It is expected that the EAP will include the inundation maps, action trigger levels, requirements for routine inspections, contact information for key members of the Springwood Lakeside Property Owners Association, first responders, Richland County Engineering Staff, DHEC staff, SCDOT staff, Deer Creek Apartments, and businesses located downstream of the dam. It will also include requirements for regular updating of contact information and suggestions for regular exercising of the EAP.

Deliverable with deadline:

*FEMA requires the County to have an approved Hazard Mitigation Plan that incorporates “all dam risks,” submitted by January 2025.

*FEMA requires a Flood Plain Management Plan be developed in cooperation with Richland County, DHEC, and local emergency response officials by January 2025.

CONTENT OF STATEMENT

The statements must be 10 pages or less and contain the following information:

- A. Performance History:
Provide a list of recent projects performed by the local office that closely relates to this Sidewalk Project. Please indicate if projects were completed within time and budget limitations.
- B. Personnel Experience:
Provide information on the individuals that would be assigned to this project and their role during the project. Provide information on the project representative that will be responsible for day-to-day contact with Richland County.
- C. Availability:
Provide information concerning your firm’s availability and a project schedule.
- D. Cost Proposal:
Provide cost proposal to complete all activities described above.

CLOSING

Thank you for your time and consideration for this project. Please provide your proposal through Bonfire. All questions concerning this RFP should be directed to the Procurement Office through BonFire.

Sincerely,



Shirani W Fuller, PE
County Engineer
Richland County
Department of Public Works



Richland County Council Request for Action

Subject:

An Ordinance authorizing a quitclaim deed to Bobby J. and Nancy Y. Spivey for unused and unopened right-of-way on Lake Dogwood Circle South

Notes:

First Reading: March 5, 2024

Second Reading: March 19, 2024

Third Reading:

Public Hearing:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. _____-24HR

AN ORDINANCE AUTHORIZING A QUITCLAIM DEED TO BOBBY J. AND
NANCY Y. SPIVEY FOR UNUSED AND UNOPENED RIGHT-OF-WAY ON
LAKE DOGWOOD CIRCLE SOUTH.

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 County of Richland and its employees and agents are hereby authorized to grant a quitclaim deed to BOBBY J. AND NANCY Y. SPIVEY for unused and unopened right-of-way on Lake Dogwood Circle South; as specifically described in the attached Quitclaim Deed.

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 _____.

RICHLAND COUNTY COUNCIL

By: _____
Jesica Mackey, Chair

Attest this _____ day of
_____, 2024.

Anette Kirylo
Clerk of Council

First Reading:
Second Reading:
Public Hearing:
Third Reading:

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND) QUITCLAIM DEED
) (Non-Abstracted Title to Real Estate)

THIS QUITCLAIM DEED, executed this _____ day of _____, 2023 by Richland County, South Carolina (“Grantor”), to Bobby J.& Nancy Y. Spivey, (“Grantee”).

WITNESSETH, that the said Grantor, for and in consideration of the sum of One Dollar (\$1.00), in hand paid by the Grantee, the receipt of which is hereby acknowledge, does hereby remise, release, and quitclaim unto the Grantee, their heirs, successors, and assigns, forever, all its right, title, interest, claim and demand which Grantor has in and to the following described lot, piece, or parcel of land, situated, lying and being near the town of Eastover, in the County of Richland, State of South Carolina, to wit:

Legal Description:

See Exhibit A

TO HAVE AND TO HOLD the same together with all and singular the rights, members, hereditaments and appurtenances to the premises belonging, or in anywise incident or appertaining.

WITNESS the hand and seal of the Grantor this ___ day of _____, 20__.

WITNESSES:

GRANTOR

RICHLAND COUNTY, SOUTH CAROLINA

(Witness #1)

By _____
Its County Administrator

(Witness #2/Notary)

EXHIBIT A

That certain piece parcel or strip of land lying and being North of Eastover, being a portion of Lake Dogwood Circle South, 50' Right of Way, with metes and bounds as described;

Starting in the Southwest region, at a point of beginning then turning N28°17'25"E for a distance of 37.29', then turning N54°52'25"E for a distance of 61.40', then turning N60°30'38"E for a distance of 89.87', then turning S25°46'07"E for a distance of 44.84', then turning S64°13'53"W for a distance of 81.30', then turning to a point of closure S57°15'47"W for a distance of 67.83'. Being more accurately described and designated as, Area "1", on a Boundary Survey prepared for Bobby J. & Nancy Y. Spivey, by Walker Land Surveying, Inc., dated March 7, 2023, revised April 12, 2023, recorded in the Office of Register of Deed for Richland County in plat book 2828, Page 1683.

Also,

Starting in the northwest region, at a point of beginning then turning N57°15'47"E for a distance of 70.84', then turning N64°13'53"E for a distance of 83.62', then turning S33°44'43"E for a distance of 5.21', then turning S60°30'38"W for a distance of 89.87', then turning S54°52'25"W for a distance of 61.40', then turning to a point of closure N45°18'45"W for a distance 13.14'. Being more accurately described and designated as, Area "2", on a Boundary Survey prepared for Bobby J. & Nancy Y. Spivey, by Walker Land Surveying, Inc., dated March 7, 2023, revised April 12, 2023, recorded in the Office of Register of Deed for Richland County in plat book 2828, Page 1683.

Richland County Council Request for Action

Subject:

Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain property located in Richland County; the execution and delivery of an infrastructure credit agreement to provide for infrastructure credits to Colite Technologies, LLC; and other related matters

Notes:

First Reading: March 5, 2024

Second Reading: March 19, 2024

Third Reading: April 9, 2024

Public Hearing: April 9, 2024

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. _____

AUTHORIZING THE EXPANSION OF THE BOUNDARIES OF THE I-77 CORRIDOR REGIONAL INDUSTRIAL PARK JOINTLY DEVELOPED WITH FAIRFIELD COUNTY TO INCLUDE CERTAIN PROPERTY LOCATED IN RICHLAND COUNTY; THE EXECUTION AND DELIVERY OF AN INFRASTRUCTURE CREDIT AGREEMENT TO PROVIDE FOR INFRASTRUCTURE CREDITS TO COLITE TECHNOLOGIES, LLC; AND OTHER RELATED MATTERS.

WHEREAS, Richland County (“County”), acting by and through its County Council (“County Council”), is authorized pursuant to the provisions of Article VIII, Section 13(D) of the South Carolina Constitution and the provisions of Title 4, Chapter 1 of the Code of Laws of South Carolina, 1976, as amended (collectively, “Act”), to (i) develop a multicounty park with counties having contiguous borders with the County; and (ii) include property in the multicounty park which inclusion under the terms of the Act (A) makes such property exempt from *ad valorem* property taxes, and (B) changes the character of the annual receipts from such property to fees-in-lieu of *ad valorem* property taxes in an amount equal to the *ad valorem* taxes that would have been due and payable but for the location of the property in such multicounty park (“Fee Payments”);

WHEREAS, the County is further authorized by Section 4-1-175 of the Act, to grant credits against Fee Payments (“Infrastructure Credit”) to pay costs of designing, acquiring, constructing, improving or expanding (i) infrastructure serving a project or the County, and (ii) improved and unimproved real estate and personal property used in the operation of a manufacturing facility or commercial enterprise (collectively, “Infrastructure”);

WHEREAS, pursuant to the authority provided in the Act, the County has developed with Fairfield County, South Carolina (“Fairfield”), the I-77 Corridor Regional Industrial Park (“Park”) and executed the Amended and Restated Master Agreement Governing the I-77 Corridor Regional Industrial Park, dated September 1, 2018 (“Park Agreement”), which governs the operation of the Park;

WHEREAS, Colite Technologies, LLC (“Company”) desires to renovate and repurpose a property located at 2405 Millwood Avenue within the County (“Project”), consisting of taxable investments in real and personal property of not less than \$2,500,000, along with the creation of 75 new full-time jobs;

WHEREAS, at the Company’s request, the County desires to expand the boundaries of the Park and amend the Park Agreement to include the real and personal property relating to the Project (“Property”) in the Park;

WHEREAS, the City of Columbia, South Carolina, the municipality in which the Property is located, must consent to the expansion of the boundaries of the Park to include the Property in the Park in accordance with Section 4-1-170(C) of the Act; and

WHEREAS, the County further desires to enter into an Infrastructure Credit Agreement between the County and the Company, the final form of which is attached as Exhibit A (“Agreement”), to provide Infrastructure Credits against certain of the Company’s Fee Payments with respect to the Project for the purpose of assisting in paying the costs of certain Infrastructure.

NOW THEREFORE, BE IT ORDAINED, by the County Council as follows::

Section 1. *Statutory Findings.* Based on representations made by the Company to the County, the County finds that the Project and the Infrastructure will enhance the economic development of the County.

Section 2. *Expansion of the Park Boundaries, Inclusion of Property.* The expansion of the Park boundaries and an amendment to the Park Agreement to include the Property in the Park is authorized. The Chair of County Council (“Chair”), is authorized to execute such documents and take such further actions as may be necessary to complete the expansion of the Park boundaries and the amendment to the Park Agreement. Pursuant to the terms of the Park Agreement, the expansion of the Park’s boundaries to include the Property is complete on the adoption of this Ordinance by County Council, receipt of the consent of the City of Columbia as to the inclusion of the Property in the Park, and delivery of written notice to Fairfield of the inclusion of the Property, which written notice shall include a copy of this Ordinance and identification of the Property.

Section 3. *Approval of Infrastructure Credit; Authorization to Execute and Deliver Agreement.* The Infrastructure Credits, as more particularly set forth in the Agreement, against the Company’s Fee Payments with respect to the Project are approved. The form, terms and provisions of the Agreement that is before this meeting are approved and all of the Agreement’s terms are incorporated in this Ordinance by reference as if the Agreement was set out in this Ordinance in its entirety. The Chair is authorized and directed to execute the Agreement in the name of and on behalf of the County, subject to the approval of any revisions or changes as are not materially adverse to the County by the County Administrator and counsel to the County, and the Clerk to County Council is hereby authorized and directed to attest the Agreement and to deliver the Agreement to the Company.

Section 4. *Further Assurances.* The County Council confirms the authority of the Chair, the County Administrator, the Director of Economic Development and the Clerk to County Council, and various other County officials and staff, acting at the direction of the Chair, the County Administrator, the Director of Economic Development or Clerk to County Council, as appropriate, to take whatever further action and to negotiate, execute and deliver whatever further documents as may be appropriate to effect the intent of this Ordinance and the incentives offered to the Company under this Ordinance and the Agreement.

Section 5. *Savings Clause.* The provisions of this Ordinance are separable. If any part of this Ordinance is, for any reason, unenforceable then the validity of the remainder of this Ordinance is unaffected.

Section 6. *General Repealer.* Any prior ordinance, the terms of which are in conflict with this Ordinance, is, only to the extent of that conflict, repealed.

Section 7. *Effectiveness.* This Ordinance is effective after its third reading and public hearing.

RICHLAND COUNTY, SOUTH CAROLINA

Chair, Richland County Council

(SEAL)
ATTEST:

Clerk of Council, Richland County Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: March 5, 2024
Second Reading: March 19, 2024
Public Hearing: April 9, 2024
Third Reading: April 9, 2024

EXHIBIT A
FORM OF AGREEMENT

INFRASTRUCTURE CREDIT AGREEMENT

by and between

RICHLAND COUNTY, SOUTH CAROLINA

and

COLITE TECHNOLOGIES, LLC

Effective as of: []

INFRASTRUCTURE CREDIT AGREEMENT

This INFRASTRUCTURE CREDIT AGREEMENT, effective as of [DATE] (“Agreement”), is by and between RICHLAND COUNTY, SOUTH CAROLINA, a body politic and corporate, and a political subdivision of the State of South Carolina (“County”), and COLITE TECHNOLOGIES, LLC, a South Carolina limited liability company (“Company” together with the County, “Parties,” each, a “Party”).

WITNESSETH:

WHEREAS, the County, acting by and through its County Council (“County Council”), is authorized and empowered under and pursuant to the provisions of Article VIII, Section 13(D) of the South Carolina Constitution and the provisions of Title 4, Chapter 1 of the Code of Laws of South Carolina, 1976, as amended (collectively, “Act”), to (i) develop multicounty parks with counties having contiguous borders with the County; and (ii) include property in the multicounty park, which inclusion under the terms of the Act (A) makes such property exempt from *ad valorem* property taxes, and (B) changes the character of the annual receipts from such property to fees-in-lieu of *ad valorem* property taxes in an amount equal to the *ad valorem* taxes that would have been due and payable but for the location of the property in such multicounty park (“Fee Payments”);

WHEREAS, the County is further authorized by Section 4-1-175 of the Act to grant credits against Fee Payments (“Infrastructure Credit”) to pay costs of designing, acquiring, constructing, improving or expanding (i) infrastructure serving a project or the County and (ii) improved and unimproved real estate and personal property used in the operation of a commercial enterprise or manufacturing facility (collectively, “Infrastructure”);

WHEREAS, pursuant to the authority provided in the Act, the County has developed with Fairfield County, South Carolina, the I-77 Corridor Regional Industrial Park (“Park”) and executed the “Amended and Restated Master Agreement Governing the I-77 Corridor Regional Industrial Park” dated September 1, 2018 (“Park Agreement”), which governs the operation of the Park;

WHEREAS, the Company has committed to renovate and repurpose a property located at 2405 Millwood Avenue in the County (“Project”) on property more particularly identified by Exhibit A (“Land”), consisting of taxable investment in real and personal property of not less than \$2,500,000 and the creation of 75 new, full-time jobs;

WHEREAS, by an ordinance enacted on [DATE] (“Ordinance”), the County authorized the expansion of the boundaries of the Park and an amendment to the Park Agreement to include the Land and other real and personal property relating to the Project (“Property”) in the Park; and

WHEREAS, pursuant to the Ordinance, the County further authorized the execution and delivery of this Agreement to provide Infrastructure Credits against the Company’s Fee Payments with respect to the Project for the purpose of assisting in paying the costs of certain Infrastructure, subject to the terms and conditions below.

NOW, THEREFORE, in consideration of the respective representations and agreements hereinafter contained, the County and the Company agree as follows:

ARTICLE I REPRESENTATIONS

Section 1.1. *Representations by the County.* The County represents to the Company as follows:

- (a) The County is a body politic and corporate and a political subdivision of the State of South Carolina;
- (b) The County is authorized and empowered by the provisions of the Act to enter into and carry out its obligations under this Agreement;
- (c) The County has duly authorized and approved the execution and delivery of this Agreement by adoption of the Ordinance in accordance with the procedural requirements of the Act and any other applicable state law;
- (d) The County is not in default of any of its obligations (contractual or otherwise) as a result of entering into and performing its obligations under this Agreement;
- (e) The County has approved the inclusion of the Property in the Park; and
- (f) Based on representations made by the Company to the County, the County has determined the Project and the Infrastructure will enhance the economic development of the County. Therefore, the County is entering into this Agreement for the purpose of promoting the economic development of the County.

Section 1.2. *Representations by the Company.* The Company represents to the County as follows:

- (a) The Company is in good standing under the laws of the State of South Carolina, has power to conduct business in the State of South Carolina and enter into this Agreement, and by proper company action has authorized the officials signing this Agreement to execute and deliver it;
- (b) The Company will use commercially reasonable efforts to achieve the Investment Commitment and Jobs Commitment, each as defined below, at the Project; and
- (c) The Company's execution and delivery of this Agreement, and its compliance with the provisions of this Agreement do not result in a default under any agreement or instrument to which the Company is now a party or by which it is bound.

ARTICLE II INFRASTRUCTURE CREDITS

Section 2.1. *Investment Commitment.* The Company shall invest not less than \$2,500,000 in taxable property at the Project ("Investment Commitment") by the Certification Date, as defined below. The Company shall certify to the County achievement of the Investment Commitment by no later than December 31, 2027 ("Certification Date"), by providing documentation to the County sufficient to reflect achievement of the Investment Commitment. If the Company fails to achieve and certify the Investment Commitment by the Certification Date, the County may terminate this Agreement and, on termination, the Company is no longer entitled to any further benefits under this Agreement and shall repay any Infrastructure Credits received under this Agreement.

Section 2.2. *Jobs Commitment.* The Company shall create 75 new, full-time jobs in the County ("Jobs Commitment") by the Certification Date. The Company shall certify to the County achievement of

the Jobs Commitment by providing documentation to the County sufficient to reflect achievement of the Jobs Commitment on or before the Certification Date. If the Company fails to achieve and certify the Jobs Commitment by the Certification Date, the County may terminate this Agreement and, on termination, the Company is no longer entitled to any further benefits under this Agreement and shall repay any Infrastructure Credits received under this Agreement.

Section 2.3. Infrastructure Credits.

(a) To assist in paying for costs of Infrastructure, the County shall provide an Infrastructure Credit against certain of the Company's Fee Payments due with respect to the Project. The term, amount and calculation of the Infrastructure Credit is described in Exhibit B.

(b) For each property tax year in which the Company is entitled to an Infrastructure Credit ("Credit Term"), the County shall prepare and issue the Company's annual bill with respect to the Project net of the Infrastructure Credit set forth in Section 2.3(a) ("Net Fee Payment"). Following receipt of the bill, the Company shall timely remit the Net Fee Payment to the County in accordance with applicable law.

(c) THIS AGREEMENT AND THE INFRASTRUCTURE CREDITS PROVIDED BY THIS AGREEMENT ARE LIMITED OBLIGATIONS OF THE COUNTY. THE INFRASTRUCTURE CREDITS ARE DERIVED SOLELY FROM AND TO THE EXTENT OF THE FEE PAYMENTS MADE BY THE COMPANY TO THE COUNTY PURSUANT TO THE ACT AND THE PARK AGREEMENT. THE INFRASTRUCTURE CREDITS DO NOT AND SHALL NOT CONSTITUTE A GENERAL OBLIGATION OF THE COUNTY OR ANY MUNICIPALITY WITHIN THE MEANING OF ANY CONSTITUTIONAL OR STATUTORY LIMITATION AND DO NOT AND SHALL NOT CONSTITUTE OR GIVE RISE TO A PECUNIARY LIABILITY OF THE COUNTY OR ANY MUNICIPALITY OR A CHARGE AGAINST THE GENERAL CREDIT OR TAXING POWER OF THE COUNTY OR ANY MUNICIPALITY. THE FULL FAITH, CREDIT, AND TAXING POWER OF THE COUNTY OR ANY MUNICIPALITY ARE NOT PLEDGED FOR THE PROVISION OF THE INFRASTRUCTURE CREDITS.

Section 2.4. Clawback. If the Company fails to meet the Investment Commitment or Jobs Commitment by the Certification Date, then the annual Infrastructure Credit percentage shall be immediately reduced prospectively by the Clawback Percentage (as calculated below) for the remainder of the Credit Term and the Company shall repay a portion of the Infrastructure Credits received.

The portion of the Infrastructure Credit to be repaid ("Repayment Amount") is based on the amount by which the Company failed to achieve the Investment Commitment or Jobs Commitment and is calculated as follows:

$$\text{Repayment Amount} = \text{Total Received} \times \text{Clawback Percentage}$$

$$\text{Clawback Percentage} = 100\% - \text{Overall Achievement Percentage}$$

$$\text{Overall Achievement Percentage} = (\text{Investment Achievement Percentage} + \text{Jobs Achievement Percentage}) / 2$$

$$\text{Investment Achievement Percentage} = \text{Actual Investment Achieved} / \text{Investment Commitment}$$

$$\text{Jobs Achievement Percentage} = \text{Actual New, Full-Time Jobs Created} / \text{Jobs Commitment}$$

In calculating each achievement percentage, only the investment made or new jobs achieved up to the Investment Commitment and the Jobs Commitment will be counted.

For example, and by way of example only, if the Company had received \$100,000 in Infrastructure Credits, and had invested \$2,500,000 and created 60 jobs by the Certification Date, the Repayment Amount would be calculated as follows:

$$\text{Jobs Achievement Percentage} = 60/75 = 80\%$$

$$\text{Investment Achievement Percentage} = \$2,500,000/\$2,500,000 = 100\%$$

$$\text{Overall Achievement Percentage} = (80\% + 100\%)/2 = 90\%$$

$$\text{Clawback Percentage} = 100\% - 90\% = 10\%$$

$$\text{Repayment Amount} = \$100,000 \times 10\% = \$10,000$$

The Company shall pay the portion of the Infrastructure Credit to be repaid pursuant to this Section 2.4 within 30 days of receipt of a written statement setting forth the Repayment Amount. If not timely paid, the Repayment Amount is subject to the minimum amount of interest that the law may permit with respect to delinquent *ad valorem* tax payments. The repayment obligation arising under this Section survives termination of the Agreement.

Section 2.5. Filings. To assist the County in administering the Infrastructure Credits, the Company shall, for the Credit Term, prepare and file a separate schedules or returns with respect to the Property. Additionally, the Company shall, on or before January 31 of each year during the Credit Term, commencing on January 31, 2025, deliver to the Economic Development Director of the County the information required by the terms of the County's Resolution dated November 7, 2023, which is attached hereto as Exhibit C, as may be amended by subsequent resolution, with respect to the Company.

Section 2.6 Cumulative Infrastructure Credit. The cumulative dollar amount expended by the Company on Infrastructure shall equal or exceed the cumulative dollar amount of all the Infrastructure Credits received by the Company.

ARTICLE III DEFAULTS AND REMEDIES

Section 3.1. Events of Default. The following are "Events of Default" under this Agreement:

(a) Failure by the Company to make a Net Fee Payment, which failure has not been cured within 30 days following receipt of written notice from the County specifying the delinquency in payment and requesting that it be remedied;

(b) A Cessation of Operations. For purposes of this Agreement, a "Cessation of Operations" means closure of the Project or the cessation of production and shipment of products to customers for a continuous period of twelve (12) months;

(c) A representation or warranty made by the Company which is deemed materially incorrect when deemed made;

(d) Failure by the Company to perform any of the terms, conditions, obligations, or covenants under this Agreement (other than those described in Sections 2.1 and 2.2 and under (a) above), which failure has not been cured within 30 days after written notice from the County to the Company specifying such failure and requesting that it be remedied, unless the Company has instituted corrective action within the 30-day period and is diligently pursuing corrective action until the default is corrected, in which case the 30-day period is extended to include the period during which the Company is diligently pursuing corrective action;

(e) A representation or warranty made by the County which is deemed materially incorrect when deemed made; or

(f) Failure by the County to perform any of the terms, conditions, obligations, or covenants hereunder, which failure has not been cured within 30 days after written notice from the Company to the County specifying such failure and requesting that it be remedied, unless the County has instituted corrective action within the 30-day period and is diligently pursuing corrective action until the default is corrected, in which case the 30-day period is extended to include the period during which the County is diligently pursuing corrective action.

Section 3.2. Remedies on Default.

(a) If an Event of Default by the Company has occurred and is continuing, then the County may take any one or more of the following remedial actions:

(i) terminate the Agreement; or

(ii) take whatever action at law or in equity may appear necessary or desirable to collect amounts due or otherwise remedy the Event of Default or recover its damages.

(b) If an Event of Default by the County has occurred and is continuing, the Company may take one or more of the following actions:

(i) bring an action for specific enforcement;

(ii) terminate the Agreement; or

(iii) in case of a materially incorrect representation or warranty, take such action as is appropriate, including legal action, to recover its damages, to the extent allowed by law.

Section 3.3. Reimbursement of Legal Fees and Other Expenses. On the occurrence of an Event of Default, if a Party is required to employ attorneys or incur other reasonable expenses for the collection of payments due under this Agreement or for the enforcement of performance or observance of any obligation or agreement, the prevailing Party is entitled to seek reimbursement of the reasonable fees of such attorneys and such other reasonable expenses so incurred.

Section 3.4. Remedies Not Exclusive. No remedy described in this Agreement is intended to be exclusive of any other remedy or remedies, and each and every such remedy is cumulative and in addition to every other remedy given under this Agreement or existing at law or in equity or by statute.

Section 3.5. Nonwaiver. A delay or omission by the Company or County to exercise any right or power accruing on an Event of Default does not waive such right or power and is not deemed to be a waiver

or acquiescence of the Event of Default. Every power and remedy given to the Company or County by this Agreement may be exercised from time to time and as often as may be deemed expedient.

ARTICLE IV MISCELLANEOUS

Section 4.1. *Examination of Records; Confidentiality.*

(a) The County and its authorized agents, at any reasonable time on prior notice, may enter and examine the Project and have access to and examine the Company's books and records relating to the Project for the purposes of (i) identifying the Project; (ii) confirming achievement of the Investment Commitment or Jobs Commitment; and (iii) permitting the County to carry out its duties and obligations in its sovereign capacity (such as, without limitation, for such routine health and safety purposes as would be applied to any other manufacturing or commercial facility in the County).

(b) The County acknowledges that the Company may utilize confidential and proprietary processes and materials, services, equipment, trade secrets, and techniques ("Confidential Information") and that disclosure of the Confidential Information could result in substantial economic harm to the Company. The Company may clearly label any Confidential Information delivered to the County pursuant to this Agreement as "Confidential Information." Except as required by law, the County, or any employee, agent, or contractor of the County, shall not disclose or otherwise divulge any labeled Confidential Information to any other person, firm, governmental body or agency. The Company acknowledges that the County is subject to the South Carolina Freedom of Information Act, and, as a result, must disclose certain documents and information on request, absent an exemption. If the County is required to disclose any Confidential Information to a third party, the County will use its best efforts to provide the Company with as much advance notice as is reasonably possible of such disclosure requirement prior to making such disclosure and to cooperate reasonably with any attempts by the Company to obtain judicial or other relief from such disclosure requirement.

Section 4.2. *Assignment.* The Company may assign or otherwise transfer any of its rights and interest in this Agreement on prior written consent of the County, which may be given by resolution, and which consent will not be unreasonably withheld.

Section 4.3. *Provisions of Agreement for Sole Benefit of County and Company.* Except as otherwise specifically provided in this Agreement, nothing in this Agreement expressed or implied confers on any person or entity other than the County and the Company any right, remedy, or claim under or by reason of this Agreement, this Agreement being intended to be for the sole and exclusive benefit of the County and the Company.

Section 4.4. *Severability.* If any provision of this Agreement is declared illegal, invalid, or unenforceable for any reason, the remaining provisions of this Agreement are unimpaired, and the Parties shall reform such illegal, invalid, or unenforceable provision to effectuate most closely the legal, valid, and enforceable intent of this Agreement.

Section 4.5. *Limitation of Liability.*

(a) The County is not liable to the Company for any costs, expenses, losses, damages, claims or actions in connection with this Agreement, except from amounts received by the County from the Company under this Agreement.

(b) All covenants, stipulations, promises, agreements and obligations of the County contained in this Agreement are binding on members of the County Council or any elected official, officer, agent, servant or employee of the County only in his or her official capacity and not in his or her individual capacity, and no recourse for the payment of any moneys or performance of any of the covenants and agreements under this Agreement or for any claims based on this Agreement may be had against any member of County Council or any elected official, officer, agent, servant or employee of the County except solely in their official capacity.

Section 4.6. Indemnification Covenant.

(a) Except as provided in paragraph (d) below, the Company shall indemnify and save the County, its employees, elected officials, officers and agents (each, an “Indemnified Party”) harmless against and from all liability or claims arising from the County’s execution of this Agreement, performance of the County’s obligations under this Agreement or the administration of its duties pursuant to this Agreement, or otherwise by virtue of the County having entered into this Agreement.

(b) The County is entitled to use counsel of its choice and the Company shall reimburse the County for all of its costs, including attorneys’ fees, incurred in connection with the response to or defense against such liability or claims as described in paragraph (a) above. The County shall provide a statement of the costs incurred in the response or defense, and the Company shall pay the County within 30 days of receipt of the statement. The Company may request reasonable documentation evidencing the costs shown on the statement. However, the County is not required to provide any documentation which may be privileged or confidential to evidence the costs.

(c) The County may request the Company to resist or defend against any claim on behalf of an Indemnified Party. On such request, the Company shall resist or defend against such claim on behalf of the Indemnified Party, at the Company’s expense. The Company is entitled to use counsel of its choice, manage and control the defense of or response to such claim for the Indemnified Party; provided the Company is not entitled to settle any such claim without the consent of that Indemnified Party.

(d) Notwithstanding anything herein to the contrary, the Company is not required to indemnify any Indemnified Party against or reimburse the County for costs arising from any claim or liability (i) occasioned by the acts of that Indemnified Party, which are unrelated to the execution of this Agreement, performance of the County’s obligations under this Agreement, or the administration of its duties under this Agreement, or otherwise by virtue of the County having entered into this Agreement; or (ii) resulting from that Indemnified Party’s own negligence, bad faith, fraud, deceit, or willful misconduct.

(e) An Indemnified Party may not avail itself of the indemnification or reimbursement of costs provided in this Section unless it provides the Company with prompt notice, reasonable under the circumstances, of the existence or threat of any claim or liability, including, without limitation, copies of any citations, orders, fines, charges, remediation requests, or other claims or threats of claims, in order to afford the Company notice, reasonable under the circumstances, within which to defend or otherwise respond to a claim.

(f) The obligations under this Section 4.6 shall survive termination of this Agreement.

Section 4.7. Notices. All notices, certificates, requests, or other communications under this Agreement are sufficiently given and are deemed given, unless otherwise required by this Agreement, when (i) delivered and confirmed by United States first-class, registered mail, postage prepaid or (ii) sent by facsimile, and addressed as follows:

if to the County: Richland County, South Carolina
Attn: Director of Economic Development
2020 Hampton Street
Columbia, South Carolina 29204
Phone: 803.576.2043
Fax: 803.576.2137

with a copy to Parker Poe Adams & Bernstein LLP
(does not constitute notice): Attn: Ray E. Jones
1221 Main Street, Suite 1100 (29201)
Post Office Box 1509
Columbia, South Carolina 29202
Phone: 803.255.8000
Fax: 803.255.8017

if to the Company: Colite Technologies, LLC
Attention: CEO
2405 Millwood Avenue
Columbia, South Carolina
Phone: 803-935-9052

with a copy to Bruner Powell Wall & Mullins
Attention: Wesley Pell
PO Box 61110
Columbia, South Carolina 29260
Phone: 803-252-7693
Fax: 803-254-5719

The County and the Company may, by notice given under this Section, designate any further or different addresses to which subsequent notices, certificates, requests or other communications shall be sent.

Section 4.8. *Administrative Fees.* The Company will reimburse, or cause reimbursement to, the County for the Administration Expenses in the amount of \$5,000. The Company will reimburse the County for its Administration Expenses on receipt of a written request from the County or at the County's direction, which request shall include a statement of the amount and nature of the Administration Expense. The Company shall pay the Administration Expenses as set forth in the written request no later than 60 days following receipt of the written request from the County. For purposes of this Section, "Administration Expenses" means the reasonable expenses incurred by the County in the negotiation, approval and implementation of the terms and provisions of this Agreement, including reasonable attorneys' fees. Administration Expenses do not include any costs, expenses, including attorneys' fees, incurred by the County (i) in defending challenges to the Fee Payments or Infrastructure Credits brought by third parties or the Company or its affiliates and related entities, or (ii) in connection with matters arising at the request of the Company outside of the immediate scope of this Agreement, including amendments to the terms of this Agreement. The payment by the Company of the County's Administration Expenses shall not be construed as prohibiting the County from engaging, at its discretion, the counsel of the County's choice.

Section 4.9. *Entire Agreement.* This Agreement expresses the entire understanding and all agreements of the Parties with each other, and neither Party is bound by any agreement or any representation to the other Party which is not expressly set forth in this Agreement or in certificates delivered in connection with the execution and delivery of this Agreement.

Section 4.10 Agreement to Sign Other Documents. From time to time, and at the expense of the Company, to the extent any expense is incurred, the County agrees to execute and deliver to the Company such additional instruments as the Company may reasonably request and as are authorized by law and reasonably within the purposes and scope of the Act and this Agreement to effectuate the purposes of this Agreement.

Section 4.11. Agreement's Construction. Each Party and its counsel have reviewed this Agreement and any rule of construction to the effect that ambiguities are to be resolved against a drafting party does not apply in the interpretation of this Agreement or any amendments or exhibits to this Agreement.

Section 4.12. Applicable Law. South Carolina law, exclusive of its conflicts of law provisions that would refer the governance of this Agreement to the laws of another jurisdiction, governs this Agreement and all documents executed in connection with this Agreement.

Section 4.13. Counterparts. This Agreement may be executed in any number of counterparts, and all of the counterparts together constitute one and the same instrument.

Section 4.14. Amendments. This Agreement may be amended only by written agreement of the Parties.

Section 4.15. Waiver. Either Party may waive compliance by the other Party with any term or condition of this Agreement but the waiver is valid only if it is in a writing signed by the waiving Party.

Section 4.16. Termination. Unless first terminated under any other provision of this Agreement, this Agreement terminates on the expiration of the Credit Term and payment by the Company of any outstanding Net Fee Payment due on the Project pursuant to the terms of this Agreement.

Section 4.17. Business Day. If any action, payment, or notice is, by the terms of this Agreement, required to be taken, made, or given on any Saturday, Sunday, or legal holiday in the jurisdiction in which the Party obligated to act is situated, such action, payment, or notice may be taken, made, or given on the following business day with the same effect as if taken, made or given as required under this Agreement, and no interest will accrue in the interim.

*[TWO SIGNATURE PAGES FOLLOW]
[REMAINDER OF PAGE INTENTIONALLY BLANK]*

IN WITNESS WHEREOF, Richland County, South Carolina, has caused this Agreement to be executed by the appropriate officials of the County and its corporate seal to be affixed and attested, effective the day and year first above written.

RICHLAND COUNTY, SOUTH CAROLINA

Chair, Richland County Council

(SEAL)
ATTEST:

Clerk to Council, Richland County Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

[SIGNATURE PAGE 1 TO INFRASTRUCTURE CREDIT AGREEMENT]

IN WITNESS WHEREOF, Colite Technologies, LLC, has caused this Agreement to be executed by its authorized officer(s), effective the day and year first above written.

COLITE TECHNOLOGIES, LLC

By: _____

Name: Kevin P. O'Hara

Its: President & CEO

[SIGNATURE PAGE 2 TO INFRASTRUCTURE CREDIT AGREEMENT]

EXHIBIT A

LAND DESCRIPTION

All that certain piece, parcel or lot of land together with improvements thereon, situate, lying and being in Richland County, South Carolina, being shown on a plat prepared for H. Gordon Nuttall by Michael T. Arant dated January 7, 1999 and recorded January 11, 1999 in Book R269, at Page 2273 in the Office of the Richland County RMC. Said latter plat is incorporated herein by reference thereof for a more complete and accurate description. All measurements being a little more or less.

TMS Number: R11410-09-07

EXHIBIT B (See Section 2.3)

DESCRIPTION OF INFRASTRUCTURE CREDIT

The Company is entitled to an Infrastructure Credit in the amount of thirty-five percent (35%) of the Fee Payments due with respect to the Project under this Agreement for a six (6) year period commencing with the first Fee Payment due under this Agreement.

EXHIBIT C (See Section 2.5)

**RICHLAND COUNTY RESOLUTION REQUIRING CERTAIN ACCOUNTABILITY PRACTICES CONCERNING
ECONOMIC DEVELOPMENT PROJECTS IN THE COUNTY**

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

A RESOLUTION

**REQUIRING CERTAIN ACCOUNTABILITY PRACTICES CONCERNING
ECONOMIC DEVELOPMENT PROJECTS IN RICHLAND COUNTY**

WHEREAS, Richland County Council adopted a resolution dated as of December 12, 2017 (“Prior Resolution”), which requires companies receiving economic development incentives from Richland County, South Carolina (“County”) to submit annual reports to the Richland County Economic Development Office; and

WHEREAS, the County desires to reaffirm its desire to have companies submit such annual reports and to update certain information regarding the submission of the annual reports.

NOW, THEREFORE, BE IT RESOLVED by Richland County Council as follows:

Section 1. The County affirms that each company awarded an incentive by the County in exchange for the location or expansion of a facility or facilities within the County shall submit an annual report to the Richland County Economic Development Office by no later January 31 of each year throughout the term of the incentives.

Section 2. The Richland County Economic Development Office is authorized to create (and from time to time, if necessary, amend or recreate) and make available the form of the annual report; however, such form shall require, at a minimum, the following information, but may request such other information as the County may deem necessary or prudent:

- a. Name of company;
- b. Cumulative capital investment (less any removed investment) to date as a result of the project;
- c. Net jobs created to date as a result of the project;
- d. Age, race, gender, and county of residence of each employee at the facility or facilities in the County; and
- e. Average wage of the jobs created as a result of the project.

Section 3. A copy of the then-current form of the annual report may be obtained from the Richland County Economic Development Office. The annual report shall likewise be submitted to the following address (or at such other address or in such other format as may be communicated by the Richland County Economic Development Office) by the required date.

Richland County Economic Development Office
Attention: Existing Industry Manager
1201 Main Street, Suite 1110
Columbia, SC 29201

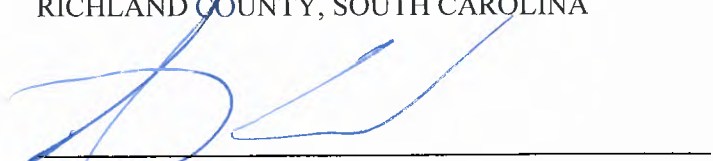
Section 4. Subject to Section 5 below, this Resolution amends and restates the Prior Resolution in its entirety and sets forth the County’s requirements with respect to the annual reports to be submitted by each company awarded an incentive by the County as described in Section 1.

Section 5. The substance of this Resolution shall be incorporated into any agreement between the County and a company with respect to the incentives granted by the County to such company with an effective date on or after January 1, 2024 (“Effective Date”). For any agreements dated before the Effective Date, the Prior Resolution shall be incorporated into the agreement between the County and a company with respect to the incentives granted by the County to such company.

Section 6. In the event that any company shall fail to submit an annual report, or any portion thereof, such company may be required to return all incentives, or a dollar amount equal thereof, to the County. Such incentives, or the dollar amount equal thereto, shall be paid to the County within 60 days after the date upon which the information was originally due.

AND IT IS SO RESOLVED this 7th day of November 2023.

RICHLAND COUNTY, SOUTH CAROLINA



Chair, Richland County Council

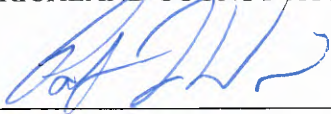
(SEAL)

ATTEST:



Clerk to County Council

RICHLAND COUNTY ATTORNEY'S OFFICE



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

Richland County Council Request for Action

Subject:

Authorizing the imposition of a one percent (1%) Transportation Sales and Use Tax within Richland County pursuant to Section 4-37-30 of the Code of Laws of South Carolina 1976, as amended; determining (I) the categories of projects to be funded with the tax, (II) the maximum time for imposition of the tax, and (III) the estimated capital costs of the projects; directing the Board of Voter Registration and Elections of Richland County to conduct a county-wide referendum on the imposition of the tax and the issuance of General Obligation Bonds; prescribing the contents of the ballot questions; and other related matters

Notes:

In accordance with the timeline approved by County Council in the Penny Roadmap, the Penny Ordinance is now being presented for first reading. There are several items in the Ordinance that have been shown in brackets “[].” The brackets denote that these items remain subject to discussion by County Council with input and advice from the Transportation Advisory Committee and the Transportation Ad Hoc Committee. In particular, it is anticipated that the Work Session scheduled for April 23, 2024 will focus on the duration and amount of the New Penny. It is anticipated that the bracketed information will be completed when the Penny Ordinance is up for second reading on May 7, 2024.

First Reading:

Second Reading:

Third Reading:

Public Hearing:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. _____

AUTHORIZING THE IMPOSITION OF A ONE PERCENT (1%) TRANSPORTATION SALES AND USE TAX WITHIN RICHLAND COUNTY PURSUANT TO SECTION 4-37-30 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED; DETERMINING (I) THE CATEGORIES OF PROJECTS TO BE FUNDED WITH THE TAX, (II) THE MAXIMUM TIME FOR IMPOSITION OF THE TAX, AND (III) THE ESTIMATED CAPITAL COST OF THE PROJECTS; DIRECTING THE BOARD OF VOTER REGISTRATION AND ELECTIONS OF RICHLAND COUNTY TO CONDUCT A COUNTY-WIDE REFERENDUM ON THE IMPOSITION OF THE TAX AND THE ISSUANCE OF GENERAL OBLIGATION BONDS; PRESCRIBING THE CONTENTS OF THE BALLOT QUESTIONS; AND OTHER RELATED MATTERS.

WHEREAS, the Richland County Council ("*County Council*") is the governing body of Richland County, South Carolina ("*County*");

WHEREAS, pursuant to Section 4-37-30 of the Code of Laws of South Carolina 1976, as amended ("*Act*"), subject to referendum approval by a majority of qualified electors, a county governing body may impose by ordinance a sales and use tax within its jurisdiction in an amount not to exceed one percent (1%) ("*Transportation Penny*") to fund multiple projects and for a specific period of time to collect a limited amount of money;

WHEREAS, the proceeds of a Transportation Penny may be expended on highways, roads, streets, bridges, mass transit systems, greenbelts, and other transportation-related projects facilities including but not limited to, drainage facilities relating to the highways, roads, streets, bridges, and other transportation-related projects ("*Eligible Projects*");

WHEREAS, Eligible Projects may be operated by a county or jointly-operated projects of a county and other governmental entities;

WHEREAS, the proceeds of a Transportation Penny may pay for (i) the capital costs associated with Eligible Projects, (ii) the operating costs of a mass transit system and such other costs that may be tethered to a specific transportation-related project or the administration of a specific transportation project as further described in South Carolina Revenue Ruling #22-2 ("*Revenue Ruling*") issued by the South Carolina Department of Revenue ("*DOR*") on April 18, 2022, and (iii) the debt service and costs of issuance relating to any bonds issued to pay for Eligible Projects (collectively, "*Eligible Costs*");

WHEREAS, in 2012, the County, after referendum approval by qualified electors, imposed a Transportation Penny ("*Prior Penny*") to fund multiple Eligible Projects;

WHEREAS, in late 2023, the County directed the completion of a county-wide Transportation Needs Assessment ("*Needs Assessment*") by a third-party engineering firm ("*Engineer*");

WHEREAS, the conduct of the Needs Assessment has included multiple public input sessions across every district of County Council and the solicitation of feedback from the municipalities located with the County;

WHEREAS, the completed Needs Assessment includes a substantial list of projects reflecting the current transportation needs located throughout the County, all of which qualify as Eligible Projects (“**Current Needs**”);

WHEREAS, the County is also planning for future transportation needs that could result from new or continued growth and development or arise because of the aging of the County’s infrastructure due to normal wear or a weather-related event, all of which would qualify as Eligible Projects (“**Future Needs**”);

WHEREAS, the County has engaged with the Central Midlands Regional Transit Authority regarding its mass transit system (“**COMET**”);

WHEREAS, the COMET has experienced significant growth funded by the Prior Penny and forecasts future growth in ridership and routes that are necessary to keep pace with the County’s overall growth and development. To address future growth, the COMET’s board of directors has developed and presented to County Council a []-year plan that projects costs and needs of the COMET, all of which qualify as Eligible Projects (“**COMET Needs**,” and together with Current Needs and Future Needs, “**Transportation Needs**”);

WHEREAS, by its Resolution adopted on March 19, 2024, the County Council requested the Richland County Transportation Advisory Committee (“**TPAC**”) review and provide input on (i) the Transportation Needs, (ii) the identification of the Eligible Projects necessary to meet the Transportation Needs (“**Projects**”), (iii) the principles to be applied to determine and execute the Projects, and (iv) the categorization of the Projects into one of the Project Categories (as defined herein);

WHEREAS, the TPAC has conducted multiple public meetings over the past several months, provided interim reports to the Transportation Ad Hoc Committee of County Council (“**TAHC**”), and delivered its final advisory report (“**TPAC Report**”) to the TAHC on [June 18, 2024];

WHEREAS, the TAHC has conducted multiple public meetings over the past several months, and, with the advice and input provided in the TPAC Report, the TAHC delivered its written recommendation to County Council entitled “Richland County Penny Projects, Principles and Categories,” which was adopted and approved by a Resolution of the County Council on [July 16, 2024];

WHEREAS, the Engineer has estimated that the inflation-adjusted Eligible Costs necessary to complete the Projects over the next [15][20][25] years is approximately \$[TBD] billion dollars (“**Transportation Costs**”);

WHEREAS, the County Council has determined the most advantageous approach to timely address the Transportation Needs for the citizens of the County is to pay for a significant portion of the Transportation Costs through the imposition of a Transportation Penny (“**New Penny**”) that would commence following the termination of the collection of the Prior Penny and continue for a period of [15][20][25] calendar years from the date of imposition, subject to a referendum to be held on November 5, 2024 (“**Referendum**”);

WHEREAS, the ballot question to be considered in the Referendum should separate the Projects into discernible categories (“**Project Categories**”) to provide clarity to the electors. In addition, there should be included within the Referendum a ballot question requesting the approval of the issuance of general obligation bonds of the County (“**Bonds**”) to be repaid solely from the proceeds of the New Penny; and

WHEREAS, imposition of a New Penny to address the Transportation Needs will serve a public purpose to facilitate economic development, promote public health and safety, provide needed infrastructure, promote desirable living conditions, and enhance the quality of life in the County.

NOW THEREFORE, BE IT ORDAINED, by the County Council as follows:

Section 1. *Imposition of New Penny.* The New Penny is hereby imposed in the County, subject to a favorable vote of a majority of the qualified electors voting in the Referendum. As more fully described herein, the proceeds of the New Penny shall be utilized to pay Transportation Costs.

Section 2. *Fulfillment of Statutory Requirements.*

(a) **Projects.** In accordance with Section 4-37-30(A)(1)(a) of the Act, the New Penny shall be used to defray the Eligible Costs of the following categories of Projects:

(i) Community Investment Projects: These projects target the integrity, safety, reliability and sustainability of the transportation infrastructure in local communities that impact the day-to-day activities of citizens and local businesses. These projects include road improvements, widening, resurfacing, paving of dirt roads, intersection improvements, bikeways, greenbelts, sidewalks, and other pedestrian-friendly enhancements;

(ii) County Advancement Projects: These projects target the expansion of transportation infrastructure to achieve, support and sustain economic growth on a county-wide basis. These projects include new construction, improvements and widening for major roadways, intersections and commuting corridors; and

(iii) COMET Enhancement Projects: These projects target the operation and expansion of the COMET. These projects include operational sustainability, establishment of new routes, new construction and improvements to enhance rider safety and comfort, and acquisition of new buses and other modes of transportation.

The major projects expected to be addressed within each of the Project Categories are summarized on the attached **Exhibit A**.

(b) **Maximum Time.** In accordance with Section 4-37-30(A)(1)(b) of the Act, the New Penny shall be imposed commencing on the first day of the calendar month immediately following the termination of the collection of the Prior Penny. Based on current projections, the termination of the collection of the Prior Penny is expected to occur in [November 2025]. Accordingly, the New Penny is expected to be imposed on [December 1, 2025] and continue through December 31, [2040][2045][2050]. As provided in Section 4-37-30(A)(5) of the Act, the New Penny may terminate earlier if the DOR determines the New Penny has raised revenues sufficient to provide the Transportation Costs, or the cost to amortize all Bonds, whichever is greater.

(c) **Estimated Cost; Amount of Bonds.** In accordance with Section 4-37-30(A)(1)(c) of the Act:

(i) The inflation-adjusted Transportation Costs are \$[TBD] billion, which shall be allocated as follows

1. [40%], or approximately \$[] million, to Community Investment Projects;
2. [40%], or approximately \$[] million, to County Advancement Projects; and
3. [20%], or approximately \$[] million, to COMET Enhancement Projects.

(ii) The principal amount of Bonds to be supported by the New Penny is not to exceed \$[TBD] million.

Section 3. Referendum Matters.

(a) **Call for Referendum.** The imposition of the New Penny is subject in all respects to the favorable vote of a majority of qualified electors casting votes in the Referendum to be conducted by the Board of Voter Registration and Elections of Richland County (“*Election Commission*”). The Election Commission shall conduct the Referendum in accordance with the Act and election laws of the State of South Carolina, *mutatis mutandis*. The County shall pay the reasonable expenses of the Referendum.

(b) **Ballot Questions.** The ballot questions to be considered in the Referendum shall appear substantially in the forms set forth in **Exhibit B**. If a majority of the electors voting in the Referendum vote in favor of imposing the New Penny, then the New Penny shall be imposed as provided in the Act and this Ordinance. If a majority of the electors voting in the Referendum shall vote in favor of the issuance of the Bonds, then the issuance shall be authorized in accordance with Article X, Section 14, Paragraph (6) of the South Carolina Constitution.

Section 4. Certification of Results. If the New Penny is approved by a majority of the qualified electors voting in the Referendum, the Election Commission is directed to certify the results not later than November 30, 2024, to the County Council and DOR in accordance with the Act.

Section 5. Remittance; Administration of New Penny. The proceeds of the New Penny shall be remitted, managed and expended in accordance with the terms of the Act, guidance from South Carolina courts and any applicable opinion, ruling or regulation promulgated by DOR, including the Revenue Ruling.

Section 6. Budget and Audit Matters.

(a) **Funding Requests.** Any outside agencies, political subdivisions, or organizations designated to receive funding from the New Penny must annually submit requests for funding in accordance with procedures and schedules established by the County Administrator. The County Administrator shall prepare the proposed budget for the New Penny and submit it to the County Council at such time as the County Council determines. At the time of submitting the proposed budget, the County Administrator shall submit to the County Council a statement describing the important features of the proposed budget.

(b) **Appropriations.** County Council shall adopt annually and prior to the beginning of fiscal year a budget for expenditures of New Penny revenues. County Council may make supplemental appropriations for the New Penny following the same procedures prescribed for the enactment of other budget ordinances. The provisions of this section shall not be construed to prohibit the transfer of funds appropriated in the annual budget for the New Penny for purposes other than as specified in the annual budget when County

Council approves such transfers. In the preparation of the annual budget, County Council may require any reports, estimates, and statistics from any county agency or department as may be necessary to perform its duties as the responsible fiscal body of the County.

(c) **Annual Audits.** Except as specifically authorized by County Council, any outside agency or organization receiving an appropriation of the New Penny must provide to County Council an independent annual audit of such agency's or organization's financial records and transactions and such other and more frequent financial information as required by County Council, all in form satisfactory to County Council.

Section 7. *Savings Clause.* The provisions of this Ordinance are separable. If any part of this Ordinance is, for any reason, unenforceable then the validity of the remainder of this Ordinance is unaffected.

Section 8. *General Repealer.* Any prior ordinance, the terms of which are in conflict with this Ordinance, is, only to the extent of that conflict, repealed.

Section 9. *Effectiveness.* This Ordinance is effective after its third reading and public hearing.

RICHLAND COUNTY, SOUTH CAROLINA

Chair, Richland County Council

(SEAL)
ATTEST:

Clerk of Council, Richland County Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: April 9, 2024
Second Reading:
Public Hearing:
Third Reading:

EXHIBIT A

PROJECT CATEGORIES: MAJOR PROJECTS

EXHIBIT B
FORM OF REFERENDUM QUESTIONS

RICHLAND COUNTY SPECIAL SALES AND USE TAX

QUESTION 1

I approve a special sales and use tax in the amount of one percent to be imposed in Richland County for not more than [fifteen (15)][twenty (20)][twenty-five (25)] years to fund certain projects with an aggregate cost of not exceeding \$[TBD] billion. Collection of the special sales and use tax will not begin until the current special sales and use tax imposed in Richland County is terminated. The special sales and use tax proceeds will be used to fund the following projects:

Project (1) - Community Investment Projects: These projects target the integrity, safety, reliability and sustainability of the transportation infrastructure in local communities that impact the day-to-day activities of citizens and local businesses. These projects include road improvements, widening, resurfacing, paving of dirt roads, intersection improvements, bikeways, greenbelts, sidewalks, and other pedestrian-friendly enhancements.

[40%] of the revenues generated by the sales and use tax shall be used to pay eligible costs of the Community Investment Projects. Such amount is expected to be \$[] million.

Project (2) - County Advancement Projects: These projects target the expansion of transportation infrastructure to achieve, support and sustain economic growth on a county-wide basis. These projects include new construction, improvements and widening for major roadways, intersections and commuting corridors.

[40%] of the revenues generated by the sales and use tax shall be used to pay eligible costs of the County Advancement Projects. Such amount is expected to be \$[] million.

Project 3: - COMET Enhancement Projects: These projects target the operation and expansion of the mass transit system operated by the Central Midlands Regional Transit Authority known as the COMET. These projects include operational sustainability, establishment of new routes, new construction and improvements to enhance rider safety and comfort, and acquisition of new buses and other modes of transportation.

[20%] of the revenues generated by the sales and use tax shall be used to pay eligible costs of the COMET Enhancement Projects. Such amount is expected to be \$[] million.

YES _____
NO _____

Instructions to Voters: All qualified electors desiring to vote in favor of levying the special sales and use tax shall vote “YES;” and

All qualified electors opposed to levying the special sales and use tax shall vote “NO.”

QUESTION 2

I approve the issuance of not exceeding \$[TBD] million of general obligation bonds of Richland County, payable from the special transportation sales and use tax described in Question 1 above, maturing over a period not to exceed [fifteen (15)][twenty (20)][twenty-five (25)] years, to fund projects from among the categories described in Question 1 above.

YES _____
NO _____

Instructions to Voters:

All qualified electors desiring to vote in favor of the issuance of bonds for the stated purposes shall vote "YES"; and

All qualified electors opposed to the issuance of bonds for the stated purposes shall vote "NO."

Richland County Council Request for Action

Subject:

An Ordinance Amending the Richland County Code of Ordinances, Chapter 5, Animals and Fowl

Notes:

March 26, 2024 – The A&F Committee recommended Council approve the proposed revisions to Chapter 5, Animals and Fowl, of the County Code of Ordinances.

First Reading:

Second Reading:

Third Reading:

Public Hearing:

**RICHLAND COUNTY
ADMINISTRATION**

2020 Hampton Street, Suite 4069
Columbia, SC 29204
803-576-2050



Agenda Briefing

Prepared by:	Sandra Haynes	Title:	Director
Department:	Animal Services	Division:	
Date Prepared:	March 5, 2024	Meeting Date:	March 26, 2024
Legal Review	Tish Gonzalez via email	Date:	March 6, 2024
Budget Review	Maddison Wilkerson via email	Date:	March 8, 2024
Finance Review	Stacey Hamm via email	Date:	March 8, 2024
Approved for consideration:	Assistant County Administrator	Aric A Jensen, AICP	
Meeting/Committee	Administration & Finance		
Subject	Animal Care Ordinance Revision		

RECOMMENDED/REQUESTED ACTION:

Staff recommends that County Council approves the proposed revisions to Chapter 5, Animals and Fowl, of the County Code of Ordinances.

Request for Council Reconsideration: Yes

FIDUCIARY:

Are funds allocated in the department’s current fiscal year budget?	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
If not, is a budget amendment necessary?	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No

ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

The ordinance revision is not anticipated to affect the current level of funding.

Applicable department/grant key and object codes: 1100306200

OFFICE OF PROCUREMENT & CONTRACTING FEEDBACK:

Not applicable.

COUNTY ATTORNEY’S OFFICE FEEDBACK/POSSIBLE AREA(S) OF LEGAL EXPOSURE:

REGULATORY COMPLIANCE:

S. C. Code of laws Title 47, Animals, Livestock and Poultry

Richland County Code of Ordinances, Chapter 5: Animals and Fowl

MOTION OF ORIGIN:

There is no associated motion of origin.

STRATEGIC & GENERATIVE DISCUSSION:

For the past year, Animal Care Director Sandra Haynes and Assistant County Administrator Aric Jensen have met with community stakeholders to discuss potential updates to the Richland County Animal Care Ordinance. Periodic updates are necessary to keep the County current with evolving professional practices, technology, and changes in the community.

The proposed revisions include a new subsection to address the tethering of pets. This subsection is being added to clarify and educate citizens and enforcement officers regarding acceptable and safe methods of tethering. The goal is to reduce the number of pets that are injured and/or abused by persons using improper tethering methods.

Other subsections of the ordinance have been reorganized and/or clarified with the express purpose of making the ordinance easier to understand. The end goals are to educate pet owners and the residents, and to make the County's regulations easier to enforce consistently and uniformly.

This code update process included creating a stakeholder committee composed of internal and external stakeholders vested in animal care. Internal stakeholders are County Council, County Administration, Legal Department, Animal Services, Community Planning and Development, Business Service Center, Ombudsman, and Richland County Sheriff's Department. External stakeholders are Pawmetto Lifeline, The Humane Society of South Carolina, City of Columbia, Town of Irmo, Town of Blythewood, Animal Mission, and the Animal Care subcommittee. The stakeholder committee will continue to meet quarterly to discuss and share information.

The proposed amendments will bring the County's animal care ordinance current with industry standards and practices. Should Council choose not to approve the proposed amendments, the County will continue to operate under the existing regulations.

ASSOCIATED STRATEGIC GOAL, OBJECTIVE, AND INITIATIVE:

- Goal 1: Foster Good Governance
 - Objective 1.5: Collaborate with other governments.
 - Initiative: Establish best practices using peer-to-peer neighbors, like entities and related professional associations to measure achievement of best practices via workshops, fairs, or another constructive events
 - Initiative: Build relationships with non-profit governmental organizations, municipalities, state, and federal organizations across all departments to determine points of parity

ATTACHMENTS:

1. Chapter 5 - Animal Care Ordinance Redlined version
2. Chapter 5 - Animal Care Ordinance revised
3. Summary of ordinance revisions

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

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 5, ANIMALS AND FOWL.

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 5, Animals and Fowl, is hereby amended by the deletion of the language contained therein and the substitution of the following language:

CHAPTER 5: ANIMALS ~~AND FOWL~~

Sec. 5-1. Definitions.

Whenever used in this chapter, unless a contrary intention is clearly evidenced, the following terms shall be interpreted as herein defined.

Abandon. ~~The owner or custodian's failure to provide for its animal the necessities of life and well-being or shall mean~~ to desert, forsake, or ~~intend to~~ give up absolutely ~~an its~~ animal without securing another owner ~~or custodian~~. ~~This section does not include the responsible release of community cats trapped, sterilized, and released back into the community.~~

Abuse. ~~shall mean the~~ The act of any ~~owner or custodian person~~ who deprives ~~any its~~ animal of necessary sustenance or shelter, or ~~of a person who~~ inflicts unnecessary pain or suffering upon ~~any~~ animal, or ~~of a person causing~~ causes these things to be done.

Animal. ~~shall mean, in~~ In addition to dogs and cats, any organism of the kingdom of Animalia, other than a human being.

Animal Care Officer. ~~shall mean any A~~ person employed by the county to enforce the animal care program ~~or anyan official with legal enforcement authority thereof.~~

Animal Care Facility. ~~shall mean any Any~~ premises designated ~~or selected~~ by the county for the purpose of impounding, care, adoption, or euthanasia of animals held under ~~the~~ authority of this chapter.

At large. ~~shall mean an animal running off the premises of the owner or keeper and not under the physical control of the owner or keeper by means of a leash or other similar restraining device, or an animal on its owner's premises but not~~ Not under restraint ~~or confinement~~. A dog properly within the enclosed boundaries of a dog park shall not be considered at large. For the purposes of this definition, a dog park shall mean an enclosed area, owned and/or operated by the

county, any municipality, or private entity, designed, intended, and used for domestic dogs to play and exercise off-leash in a controlled environment under the supervision of their owners.

Commercial pet breeder. Any person, partnership, corporation, association, or establishment engaged in a business, occupation, profession, or activity in which one or more dogs are owned, kept, harbored, or boarded and used for a stud for which a fee is charged and/or used for breeding purposes for which a fee is charged for the offspring.

Community Cat, also called “free-roaming cat,” shall mean a domestic cat that is no longer in a domesticated environment or one of its descendants and that lives outdoors full-time, has little or no human contact, is not well-socialized to humans, and has no known owner. Pets and/or house cats which are outside outdoors periodically, and stray cats (lost or abandoned house pets) are specifically excluded from this definition.

Custodian. Any person who, regardless of the length of time, keeps, has charge of, shelters, feeds, harbors, or takes care of any animal, or is otherwise acting as the owner of an animal. A custodian is not necessarily the owner.

Dangerous or vicious animal. shall mean:

(a) Dangerous or vicious animal means:

- (1) Any animal, which the owner or custodian knows, or reasonably should know, has the propensity, tendency, or disposition to, without provocation, attack, to cause injury to, or to otherwise endanger the safety of human beings, or domestic animals, or livestock; or
- (2) Any animal which bites or attacks a human being, or domestic animal, or livestock one or more times without provocation, whether or not such bite or attack occurs on the premises of the animal’s owner; or
- (3) Any animal, which is while not under restraint or confinement, and which commits one or more unprovoked acts, without provocation, and those acts that causes a person to reasonably believe that the animal will bite or attack and cause bodily injury to a human being, or domestic animal, or livestock; or
- (4) Any animal owned, kept or harbored by its owner or custodian primarily, or in part, for the purpose of animal fighting or an animal which has been trained for animal fighting.

(b) An animal shall not be deemed dangerous or vicious if:

- (1) The animal bites, attacks, or commits an unprovoked act upon, as described in subsection (a):
 - a. A human being or animal assaulting its owner or custodian;
 - b. A human being or animal trespassing upon the property of its owner or custodian. For the purpose of this definition, trespassing means entering or remaining upon the property of another without permission or legal privilege; or
 - c. A human being or animal which has abused or tormented it;

- (2) The animal is protecting or defending its offspring or another animal; or
- (3) The animal is acting in defense of an attack upon its owner or custodian or other person.

Domestic. ~~shall mean any animal which~~ To shares the genetic makeup and/or physical appearance of its ancestors which were historically domesticated for human companionship and service.

Feral animal. An animal which may be an individual domesticated animal who is no longer in a domesticated environment, or one of their descendants.

Fowl. Birds kept for domestic, or utility purposes including, but not limited to, chickens, hens, roosters, guineas, ducks, geese, turkeys, emus, and poultry.

Harboring. Allowing an animal to, regardless of the length of time, remain, be lodged, or be fed upon or within ~~anya~~ premise which the person occupies or owns. Premises include, but is not limited to, dwellings, buildings, yards, and enclosures.

Impound. The humane confinement of the animal by an Animal Care Officer at an animal care facility.

Livestock. Cattle, sheep, horses, goats, swine, mules, asses, and other animals ordinarily raised or used on a farm.

~~Non-domestic shall mean any animal which shares the genetic makeup and/or physical appearance of its ancestors which were not historically domesticated for human companionship and service.~~

~~Nuisance shall mean an animal that disturbs the rights of, threatens the safety of, or damages a member of the general public, or interferes with the ordinary use and enjoyment of their property or public property.~~

Owner. ~~shall mean any~~ AnyA person who:

- (1) Has a property right in ~~an the~~ animal;
- (2) Keeps or harbors ~~an the~~ animal, ~~or who~~ has it in ~~his or her~~its care, or acts as its custodian; or
- (3) Permits ~~an the~~ animal to remain on or about ~~any~~ premises ~~occupied by him or her~~it owns or occupies.

Pet. ~~shall mean a domestic~~ Domestic dog (canis lupus familiaris ~~seants familiaris~~) and/or a domestic cat (felis catus ~~domestietus~~). When applicable, pet shall also mean anyan animal kept lawfully for pleasure rather than utility or commercial purposes, including fowl.

Provocation. ~~shall mean any~~ Any An act done towards an animal that a reasonable person would expect to enrage such an animal to the extent ~~that~~ the animal would be likely to, ~~or did,~~ bite, ~~or~~ attack, and/or cause bodily injury. Provocation ~~including includes,~~ but is not limited to, teasing, harassing, beating, torturing, injuring, or intentionally causing pain to an animal. Where When an animal is attacked on ~~its owner's~~ the property of its owner or custodian by another

animal off its owner's or custodian's property, the attack will be presumed unprovoked, absent clear evidence to the contrary. Provocation does not include ~~any~~ actions on the part of an individual that pertain to reasonable efforts of self-defense, ~~or~~ defense of others, or defense of another animal.

Seizure. The removal of an animal from an individual's property or possession, without the consent of the owner or custodian, by an Animal Care Officer as a result of a violation or alleged violation of the provisions of this chapter or to satisfy an order entered by the court.

Shelter. ~~shall mean any~~ Unless stated otherwise, a structure reasonably expected to protect the animal from exposure to ~~appropriately sized for the pet to stand or lie in a normal manner.~~ The structure must have a roof, three sides, appropriate sized opening for the entry and exit and a floor so as to protect the pet from the elements of weather or adverse conditions where such exposure could cause the animal physical suffering or impairment.

Tether. To fasten, chain, tie, secure, or restrain an animal by a collar or harness to ~~anya~~ dog house, tree, fence, or other stationary object or structure.

Under restraint or confinement. Under restraint or confinement shall mean an animal that is:

- ~~(1) on~~ On the premises of its owner or ~~keeper-custodian indoors;~~
- ~~(2) On the premises of its owner or custodian outdoors by means of on~~ a leash or other similar restraining device or, ~~within a fenced-in area or other similar restraining device;~~
- ~~(3) , or is on~~ On the premises of its owner or ~~keeper-custodian and while~~ accompanied by ~~the-its~~ owner/keeper or custodian; or
- ~~(4) an animal that is off~~ Off the premises of its owner or ~~keeper-custodian but is~~ while accompanied by its owner or ~~keeper-custodian~~ and is under the physical control of such owner or ~~keeper-custodian~~ by means of a leash or other similar restraining device.

Unincorporated area of the county. The unincorporated area of Richland County and all areas located in municipalities with which Richland County has an agreement for animal services.

Wild or feral animal shall mean any An animal which is not naturally tame or gentle, and which is of a wild nature or disposition, and which is capable of killing, inflicting serious injury upon, or causing disease among human beings or domestic animals and having known tendencies as a species to do so.

Sec. 5-2. License for dogs and cats; Differential county and commercial pet breeder licenses, license fees; rabies vaccination tags.

For the purpose of this section, pet shall mean domestic dog and/or domestic cat.

(a)

(b) It shall be unlawful for the owner or custodian of ~~anya~~ pet to fail to obtain a current county pet license for ~~anya~~ pet over four (4) months of age, ~~a current county pet license.~~

(1) The county Animal Services Department shall annually provide a sufficient number of durable tags suitable for pets, numbered from one (1) upwards, on which shall be stamped the year and the words "pet license." Such tags must be worn by all pets within the unincorporated area of the county at all times.

(2) The county Animal Services Department shall maintain the name and address of each party to whom a license and tag have been issued under the provisions of this section and shall keep the same on file in the offices of the department for the purpose of identification.

(3) It shall be unlawful for the ~~The~~ owner or custodian of ~~anya~~ pet over four (4) months of age ~~to fail to vaccinate the pet and obtain~~ ~~must also have~~ a current rabies vaccination tag showing that such pet has been vaccinated by a licensed veterinarian. No license will be issued unless proof of ~~inoculation~~ vaccination is shown.

~~(b)(4)~~ ~~Any~~A pet owner or custodian who moves into the unincorporated area of the county for the purpose of establishing residency shall have thirty (30) ~~business~~ calendar days in which to obtain the license.

(c) License fees.

(1) ~~The annual~~ Annual license fees. Annual license fees for fertile and sterilized pets shall be established ~~and approved~~ by the county council. Licenses will expire one (1) year after the date of issue; and owners/custodians ~~must renew the license prior to its expiration~~ will have until the end of the month of original issue to renew the licenses.

(2) Exemptions from annual license fees. The following owner/custodian classifications of fertile pets shall be exempt from paying the higher license fee for fertile pets. These exempt persons shall be required to purchase a license for their fertile pet and will pay the same license fee as required for sterilized pets:

a. ~~Any~~A pet owner or custodian who can furnish a statement from a licensed veterinarian that the pet, due to health reasons, could not withstand sterilization surgery;

b. ~~Any~~An owner or custodian of a purebred pet who can furnish proof of participation in a nationally recognized conformation or performance event occurring within the past twelve (12) months; or

c. ~~Any~~An owner or custodian of a dog currently being used for hunting purposes who can furnish proof the dog has been properly registered with a nationally recognized organization which sanctions hunting tests and/or field trials.

~~(c)-(3) Any An owner or custodian of a dog which is trained to be an assistance/service dog shall be required to obtain an annual license but shall not be required to pay a license fee.~~

~~(d) The Animal Care Department shall annually provide a sufficient number of durable tags suitable for pets, numbered from one (1) upwards, on which shall be stamped the year and the words "pet license." Such tags must be worn by all pets in the county at all times.~~

Sec. 5-3. Permit for commercial pet breeding.

~~(a) For the purpose of this section, *pet* shall mean domestic dog and domestic cat. A commercial pet breeder is permitted to operate in the unincorporated area of the county so long as the breeder obtains from the county Animal Services Department a commercial pet breeder permit and meets all other requirements established by federal, state, or local laws. The breeder permit application process should begin prior to anya litter being delivered.~~

~~(e) (b) It shall be unlawful for a commercial pet breeder to fail to obtain a county commercial pet breeder permit license from the county Animal Services Department. The requirements for such To obtain a license are as follows commercial pet breeder permit:~~

~~(1) Individuals engaged or intending to engage in breeding as a business, occupation, or profession must obtain a commercial pet breeder license from the Animal Care Department. Additionally, such breeders must obtain a separate business license through the County's Business Service Center.~~

~~(1) Applicants Before applying for a permit, the applicant must first have obtained:~~

~~a. A County Business License issued by the Richland County Business Service Center; and~~

~~(2)b. County pet licenses and rabies vaccinations for all pets that have reached the age of over four (4) months of age kept or harbored by the breeder as set forth in Section 5-2, currently licensed with a county pet license, before applying for the commercial pet breeder license.~~

~~(2) The permit applicant must complete a commercial pet breeder permit application. An application is complete when filled out properly and accompanied by a copy of a valid County business license and proof of pet licensing and vaccination, where applicable. Incomplete applications will not be accepted.~~

~~(3) The permit applicant must pass an inspection. The Animal Care Department Animal Services Department, through its Animal Care Officers, shall conduct an inspection of the property premise upon which the pets are primarily kept to ensure the following requirements, along with the requirements set forth in Section 5-4, are met: for the license requested by the applicant to determine whether the applicant qualifies to hold a license pursuant to this section.~~

~~(4)(3)~~ During an inspection, an Animal Care Officer will be looking for the following:

~~(1)a.~~ The enclosure or other area(s) where the pets are ~~being kept~~ should beis constructed in such a manner that ~~any~~ pets housed there will be adequately and comfortably kept in any season of the year;

~~(2)b.~~ ~~The location of all pet enclosures should be in such a position so that they can~~ The enclosure or other area(s) where the pets are kept is able to be easily cleaned and sanitized. ~~Any kennels or yards that are connected or are used to confine the pets must be~~ and kept clean and free from accumulations of feces, filth, mud, and debris;

~~(3)c.~~ Every pet on the premises ~~should have~~ has constant access to a clean and fresh water supply. ~~All pets must also have~~ and an adequate amount of ~~appropriate~~ food appropriate to maintain each pet's normal condition of health;

~~d.~~ The premises ~~must be~~ where the pets are kept is set up in such a manner as to ~~not allow prevent~~ pets to from straying beyond their enclosed confines or other areas and. ~~The setup must also prevents~~ the public and stray animals from obtaining entrance into thereto or gaining making contact with ~~any the~~ pets on the premises;

~~(4)e.~~ Permits shall be displayed in a conspicuous place inside of the physical location shown on the application.

~~f.~~ The above-listed requirements must be maintained throughout the period of time for which the permit is issued ~~Every pet that has reached the age of four (4) months on the premises must have a valid pet license on file with Richland County and~~ failure to maintain these requirements may result in a revocation of the permit.

~~(5)~~ (c) Restrictions:

~~(5)(1)~~ A ~~license permit~~ will not be issued to an applicant who has been previously found guilty of violating ~~that has pled no contest, or has been found to have violated~~ any federal, state, or local laws or regulations pertaining to animal cruelty within five (5) years of the date of application.

~~(6)~~ ~~License application should be made prior to any litter being delivered.~~

~~(7)(2)~~ A permit will only be valid if there also exists a valid business license and only for the applicant and ~~A commercial pet breeder license is not transferrable to another person or location listed on the application. The permit is non-transferable.~~

- ~~(8) The annual inspection fee for a county commercial pet breeder license shall be established and approved by county council. The license shall expire one (1) year after the date of issue.~~
- ~~(9) Any violations or alleged violation found under the provisions of this Chapter shall be grounds for the suspension/revocation of the commercial pet breeder license/permit. The county Animal Services Department shall determine, in its sole discretion, whether the permit is to be revoked and shall communicate the revocation to the breeder in writing. Revocation means the breeder shall cease all commercial breeding activity until a new valid permit is issued or the revocation is rescinded and failure to do so will subject the breeder to penalties. The breeder may appeal the revocation by submitting to the Animal Services Director a writing setting forth the reasons for the appeal. Only what is submitted in writing will be considered. The written appeal must be received by the Animal Services Director within seven (7) business days of the revocation notice and the Animal Services Director will review the written appeal and issue its determination to rescind or uphold the revocation within thirty (30) calendar days of receipt of the appeal, if deemed necessary by the Animal Care Department. Reinstatement of such license shall be determined on a case-by-case basis. The commercial pet breeder license of any licensee whose license has been suspended shall remain inactive and all breeding shall cease until the license has been reinstated or a new license is issued.~~
- ~~(3) In addition to the inspection fee for the commercial pet breeder license, a pet breeder is required to adhere to the licensing requirements of the county pet license as set forth in subsections (a) and (b) of this section, so that there is a requirement of one (1) commercial pet breeder license per breeder in addition to one (1) county pet license per pet that has reached a minimum age of four (4) months and is still in the commercial pet breeder's custody.~~
- ~~(d) The annual fee for a commercial pet breeder permit is non-refundable and shall be established by county council. The permit shall expire one (1) year after the date of issue.~~
- ~~(e) The county Animal Services Department shall maintain the name and address of each party to whom a permit has been issued under the provisions of this section and shall keep the same on file in the offices of the department for the purpose of identification.~~

~~Sec. 5-3. Exemptions from differential licensing fees.~~

- ~~(a) The following classifications of owners of pets shall be exempt from paying the higher license fee for fertile pets. These exempt persons shall be required to purchase a license for their pet and will pay the same license fee as required for sterilized pets:~~
- ~~— Any owner of a pet who can furnish a statement from a licensed veterinarian that the pet, due to health reasons, could not withstand spay/neuter surgery;~~

- ~~(2) Any owner of one or more purebred pets who can furnish proof of participation in a nationally recognized conformation or performance events within the past twelve months;~~
- ~~(2) Any owner of a dog that is currently being used for hunting purposes and has properly been registered with a nationally recognized organization which sanctions hunting tests and/or field trials. Such registration must be accompanied by proper documentation that will be required to receive this exemption.~~
- ~~(a) Any owner of a dog which is trained to be an assistance/service dog for its owner shall be required to obtain an annual license but shall not be required to pay any license fee.~~
- ~~(a) The county Animal Care Department shall maintain the name and address of each party to whom a license and tag have been issued under the provisions of this chapter and shall keep the same on file in the offices of the department for the purpose of identification.~~

Sec. 5-4. Animal care, generally.

- (a) It shall be unlawful for an owner or custodian to fail to provide its animals with:
 - (1) Necessary sustenance, such as sufficient good and wholesome food, in an adequate amount to sustain flesh or permit normal growth and an adequate amount of clean water that is not sour, filthy, or spoiled. Food and water should be of the appropriate amounts and type for the species;
 - (2) Proper protection from the weather;
 - (3) Veterinary care when needed to prevent suffering or care for a diseased, sick, or injured animal;
 - (4) Humane care and treatment. It shall be unlawful for a person to tease, molest, beat, cruelly treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit dogfighting or other combat between animals or between animals and humans; or
 - (5) Proper shelter. Proper shelter for an animal primarily kept outdoors and unattended includes, but is not limited to:
 - a. Dogs.
 - 1. The shelter should be of weatherproof construction, have a roof, enclosed sides, a doorway, and a solid level floor raised at least two inches from the ground. There shall be no cracks or openings other than the entrance except that rainproof openings for ventilation are acceptable in hot weather.
 - 2. The shelter shall be small enough to allow the dog to maintain warmth and body heat, but large enough to allow the dog to stand, turn around, and lie down.
 - 3. When the real or effective temperature is forty (40) degrees Fahrenheit or below, a sufficient amount of dry bedding, such as

cedar shavings or straw, must be provided to insulate against the cold and dampness.

4. The following is not considered proper shelter: Storage buildings, sheds, crates, pet carriers, barrels, screened porches, patios, or balconies, nor the areas under lean-tos, covered porches, decks, vehicles, or houses.

b. Livestock.

1. The shelter should provide protection from heavy rain, snow, and high wind and provide sufficient shade in the summer.
2. The shelter for large livestock and healthy horses and cattle does not have to be manmade. Natural shelters, such as trees, are acceptable. However, a windbreak must be provided.
3. The shelter for small livestock and unhealthy horses and cattle must be in the form of a barn or pen of sufficient capacity and strength to properly accommodate the number of animals contained therein.

(b) It shall be unlawful for a person to leave anyan untethered pet outdoors unattended for two (2) continuous hours or longer without access to fresh water and shelter, as defined in this chapter, regardless of temperature.

(c) It shall be unlawful for a person to leave anyan untethered pet outdoors unattended for thirty (30) minutes or longer during a consecutive four (4) hour period when:

(1) The temperature is below forty (40) degrees Fahrenheit for a sustained four (4) hour period, unless adequate shelter, as defined in this chapter, is provided to protect the animal from the elements; or

(2) The temperature is above ninety (90) degrees Fahrenheit for a sustained four (4) hour period, unless adequate shade is provided to protect the animal from the elements.

(d) It shall be unlawful for a person to improperly collar or harness a pet. Collars and harnesses must be made of leather, nylon, or similar material and properly fitted for the pet's measurements and body weight so as to not choke or impede the pet's normal breathing or swallowing and to not cause pain or injury to the pet. Logger chains, towing chains, and similar items are not permitted to be used as collars or harnesses. Pet-safe metal collars, chain collars, prong collars, or choke collars are permitted to be used while the pet is accompanied by its owner/keeper or custodian.

(e) It shall be unlawful for a person to expose an animal to a known poisonous substance, whether mixed with food or not, so that the same shall be reasonably expected to be eaten by the animal; EXCEPT that it shall not be unlawful for a person to expose on their own property pest or vermin deterrent substances to prevent the spread of disease or the

destruction of crops, livestock, or property. In no instance shall a feral or community cat or domestic animal be considered vermin.

(f) It shall be unlawful for a person to fail to remove from a shelter or confinement area excrement, debris, standing water, or mud. No person shall fail to keep a shelter or confinement area clean, odor-free, and free of bloodsucking insects that are carriers of disease.

(g) No person, except a licensed veterinarian, shall perform an operation to crop, notch, or split an animal's ears and/or tail.

(h) It shall be unlawful for a person to dye or color artificially ~~any~~ animal, including fowl, with products not identified as pet-safe or to bring such dyed or colored animal into the unincorporated area of the county.

(i) It shall be unlawful for ~~any~~ owner or custodian to abandon an animal in the unincorporated area of the county.

~~Community Cat Diversion Program.~~

~~(a) — Purpose. It is the intent of this section to create a Community Cat Diversion Program ("Program") within Richland County in order to reduce cat overpopulation in an effective and humane way by using the Trap, Neuter, and Return (TNR) method.~~

~~(a) — Scope. This section shall apply only to healthy free roaming and Community Cats. Well-socialized, friendly, or abandoned house pets do not qualify for the Program as they depend on humans for survival. The Superintendent of Animal Services, or his/her designee, shall make the decision as to whether a cat qualifies for the Program.~~

~~(a) — Procedures:~~

~~(0) — Any Community Cat either trapped or seized by an animal care officer or turned into the animal care facility by a citizen shall be:~~

~~—Assessed by a veterinarian to determine the condition of health;~~

~~—Spayed or neutered, as needed;~~

~~—Vaccinated for rabies, feline viral rhinotracheitis, calicivirus, and panleukopenia; and;~~

~~—Ear tipped for identification.~~

~~(0) — All cats entering the animal care facility shall be immediately assessed for Program qualification; those unqualified shall be processed in accordance with this chapter.~~

~~(0) — Any Community Cat entering the Program shall be returned on the third day after spay/neutering or as soon as practicable thereafter to the area where it was trapped or seized. Any Community Cat which meets all the requirements in section (c)(1), above, that is trapped, seized, or brought to the animal care facility may be immediately returned to the same community. However, a Community Cat will be relocated if a request from a property owner~~

~~within the community requests that the cat be relocated to a location other than where it was trapped.~~

~~The county shall have no liability for cats in the Program.~~

~~(1) — Community Cats are exempt from licensing and related fees.~~

Sec. 5-5. Running at large—~~restraint.~~

- (a) ~~It is unlawful for an animal to be at large.~~ All animals must be kept under restraint or confinement ~~and anyan.~~ Any animal not so restrained or confined will be deemed unlawfully running at large ~~in the unincorporated area of the county.~~ ~~Provided, however, this~~ This subsection shall not apply to domestic cats that have been spayed or neutered/sterilized or community cats trapped, sterilized, and released those cats in the Community Cat Diversion Program.
- (b) Dogs ~~that are~~ participating in hunting events, obedience trials, conformation shows, tracking tests, herding trials, lure courses, and other events similar in nature shall not be considered “at large.”
- ~~(c) Dogs properly within the enclosed boundaries of a dog park shall not be considered at large. A dog park shall mean an enclosed area, owned and/or operated by the county, a municipality, or private entity, designed, intended, and used for domestic dogs to play and exercise off-leash in a controlled environment under the supervision of their owners or custodians.~~ In the interest of public safety, if an Animal Care Officer witnesses an animal not under restraint, the officer may exercise the authority to pursue the animal(s) onto private property and/or into an enclosed fenced yard. This authority may only be exercised if it has been determined by the officer that the animal is clearly able to enter and exit from the premises unrestrained and presents an immediate threat of bodily harm to public safety such as, but not limited to: aggressively charging, attempting to bite, or displaying obvious unprovoked acts of aggression. Such pursuit shall end at such time as the animal is no longer at large and/or is under restraint. If an immediate threat to public safety is absent, then a search warrant must be executed in order to enter an enclosed fenced yard.
- ~~(e)(d)~~ AnyAn animal found running at large may be impounded by an Animal Care Officer and may be redeemed pursuant to Section 5-17 only upon authorization by the county Animal Services Department, with assurance from the owner or custodian that proper care and custody will be maintained.

Sec. 5-6. Nuisance animals.

- (a) It shall be unlawful for an owner or custodian to keep an animal in such a manner so as to constitute a nuisance. The actions of an animal constitute a nuisance when the animal disturbs the rights of, threatens the safety of, or damages a member of the general public or interferes with the ordinary use and enjoyment of their property or public property.

(b) By way of example, and not of limitation, the following acts or actions by the owner or custodian of ~~any~~ animal are hereby declared to be a nuisance and are, therefore, unlawful:

- (1) Failure to exercise sufficient restraint necessary to control the animal as required by Section 5-5;
- (2) Attracting stray and/or feral cats to an area by means of providing food, water, and/or shelter. This provision does not apply to citizens performing these acts to trap, sterilize, and release community cats;
- (3) Allowing or permitting an animal to damage the property of another including, but not limited to, turning over garbage containers or damaging gardens, flowers, or vegetables;
- (4) Maintaining an animal in a manner which could or does lead to the animal biting or attacking a human being, domestic animal, or livestock one or more times without provocation, whether or not such bite or attack occurs on the premises of the animal's owner.
- (5) Maintaining animals in an environment of unsanitary conditions which results in offensive odors or is dangerous to the animal or to the public's health, welfare, or safety;
- (6) Maintaining property in a manner that is offensive, annoying, or dangerous to the public's health, welfare, or safety because of the number, type, variety, density, or location of the animals on the property;
- (7) Maintaining an animal that is diseased and dangerous to the public's health, welfare, or safety;
- (8) Maintaining an animal that habitually or repeatedly chases, snaps at, or attacks pedestrians, bicycles, or vehicles; or
- (9) Failure to keep female animals in heat confined in a building or secured enclosure in such a manner as will not create a nuisance by attracting other animals

(c) An animal determined to be a nuisance by an Animal Care Officer may be caught or seized and impounded pursuant to this chapter and may be redeemed pursuant to Section 5-17 only upon authorization by the county Animal Services Department, with evidence presented by the owner or custodian that the situation creating the nuisance has been abated.**Removal of excrement.**

~~The owner of every animal shall be responsible for the removal of any excretions deposited by his or her animal on public walks and ways, recreation areas, or private property other than that of the owner.~~

Sec. 5-7. Dangerous or vicious animal.

(a) The Animal Services Director or its designee shall have the authority to determine if an animal is dangerous or vicious. Upon determining an animal is dangerous or vicious, the Animal Services Director or its designee shall serve written notice of such determination upon the owner or custodian at their last known address.

(b) The owner or custodian of a dangerous or vicious animal shall properly confine the animal at all times. Proper confinement is as follows:

(1) Dogs:

- a. If the animal is indoors, the animal must be kept in such a manner as to prevent the animal from, without provocation, attacking, causing injury to, or otherwise endangering the safety of individuals or other animals also located indoors.
- b. If the animal is outdoors and attended, the animal shall be muzzled, on a leash or attached to a similar physical restraining device, and under the physical control of the owner or custodian at all times.
- c. If the animal is outdoors and unattended, in addition to the requirements set forth in Section 5-4(a), the animal must be confined in a locked pen or "run" area that consists of a secured top and at least four (4) sides which are at least six (6) feet high. The shelter floor must be concrete or the sides must be buried at least twelve (12) inches in the ground.
- d. Proper confinement provisions of this subsection shall not apply to [any](#) animal owned by a licensed security company while the animal is patrolling the premises at the direction of the company. However, when off of the patrolled premises, the animal shall be properly confined as set forth in this subsection.

(2) Other animals:

- a. If the animal is indoors, the animal must be kept in such a manner as to prevent the animal from, without provocation, attacking, causing injury to, or otherwise endangering the safety of individuals or other animals also located indoors.
- b. If the animal is outdoors and attended, the animal must be restrained on a leash or attached to a similar physical restraining device, and under the control of the owner or custodian at all times.
- c. If the animal is outdoors and unattended, the animal must be confined in a locked pen or "run" area that is set up in such a manner as to prevent the animal from straying beyond its enclosed confines and prevents the public and other animals from obtaining entrance into or making contact with the animal.

d. The Animal Services Director may, at its discretion and dependent upon the type of animal, set forth other reasonable requirements in the interest of protecting the public's health, welfare, or safety. These additional requirements shall be communicated to the owner or custodian in writing.

(c) The premises upon which a dangerous or vicious animal is kept or harbored must have posted a sign visible to the public cautioning the public to beware of the animal located on the premises. By way of example, and not limitation, a sign reading "Beware of Dog" or "Beware of Animals" is sufficient.

Injured or diseased animals.

~~Anyone striking a domestic animal with a motor vehicle or bicycle shall notify the county Animal Care Department who will then take action necessary to make proper disposition of the animal.~~

~~Any domestic animal received by the animal care facility in critical condition from wounds, injuries, or disease may receive sustaining treatment by a licensed veterinarian until such time as the owner of the animal is contacted. Every effort possible shall be made to contact the owner or veterinarian of the animal via information obtained from its tag or microchip. Any such animal in critical condition, as described in this section, may be humanely destroyed if the owner or veterinarian of the animal cannot be contacted within two (2) hours. If the animal is in severe pain it may be destroyed immediately with agreement from a licensed veterinarian.~~

Sec. 5-8. Tethering.

(a) It shall be unlawful to tether a pet outdoors for two (2) continuous hours or longer, unless:

(1) The pet is older than six (6) months;

(2) The tether is a minimum of twelve (12) feet in length and has swivel-type termination at both ends and the tether weight does not exceed ten (10) percent of the pet's body weight. Logger chains, towing chains, and other similar tethering devices are not acceptable;

(3) The tether must be attached to the pet with a buckle-type collar or a body harness. Logger chains, towing chains, and similar items are not permitted to be used as collars or harnesses. Pet-safe metal collars, chain collars, prong collars, or choke collars are permitted to be used while the pet is accompanied by its owner/keeper or custodian;

(4) The pet is tethered so as to prevent injury, strangulation, or entanglement with objects, vegetation, or other tethered animals;

(5) The pet has access to fresh water and shelter, as defined in this chapter;

(6) The pet is not sick or injured;

(7) Every female confined by a tether and unattended is sterilized; and

(8) The temperature is above forty (40) degrees and less than ninety (90) degrees Fahrenheit, EXCEPT:

a. If the temperature is below forty (40) degrees Fahrenheit for a sustained four (4) hour period, the animal may be tethered for thirty (30) minutes in a consecutive four (4) hour period so long as adequate bedding and shelter, as defined in this chapter, are provided to protect the animal from the elements; or

~~—If the temperature is above ninety (90) degrees Fahrenheit for a sustained four (4) hour period, the animal may be tethered for thirty (30) minutes in a consecutive four (4) hour period so long as shade is provided to protect the animal from the elements. **Nuisance animals.**~~

~~(-) It shall be unlawful for any person to own, keep, possess, or maintain an animal in such a manner so as to constitute a nuisance. By way of example, and not of limitation, the following acts or actions by an owner or possessor of any animal are hereby declared to be a nuisance and are, therefore, unlawful:~~

~~(0) Failure to exercise sufficient restraint necessary to control an animal as required by Section 5-5;~~

~~(0) Allowing or permitting an animal to damage the property of anyone other than its owner, including, but not limited to, turning over garbage containers or damaging gardens, flowers, or vegetables.;~~

~~(0) Failure to maintain a dangerous animal in a manner other than that which is described as lawful in Section 5-416(c);~~

~~(0) Maintaining animals in an environment of unsanitary conditions which results in offensive odors or is dangerous to the animal or to the public health, welfare or safety.;~~

~~(0) Maintaining animals in an environment of unsanitary conditions which results in offensive odors or is dangerous to the animal or to the public health, welfare or safety.;~~

~~(0) Maintaining his or her property in a manner that is offensive, annoying, or dangerous to the public health, safety, or welfare of the community because of the number, type, variety,, density, or location of the animals on the property.;~~

~~(0) Allowing or permitting an animal to bark, whine, or howl in an excessive, unwarranted, and continuous or untimely fashion, or make other noise in such a manner so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises;~~

~~(0) Maintaining an animal that is diseased and dangerous to the public health;~~

~~(0) Maintaining an animal that habitually or repeatedly chases, snaps at, attacks, or barks at pedestrians, bicycles, or vehicles.~~

~~(-) An animal that has been determined to be a nuisance by the Animal Care Department may be impounded and may not be returned to the owner until said owner can produce evidence to demonstrate that the situation creating the nuisance has been abated.~~

~~(m) Every female animal in heat shall be kept confined in a building or secure enclosure in such a manner as will not create a nuisance by attracting other animals.~~

~~— Sec. 5-9. Animal care, generally.~~

~~(o) It shall be unlawful for an owner to fail to provide his or her animal(s) with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment.~~

~~(p) It shall be unlawful for a person to beat, cruelly treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight or other combat between animals or between animals and humans.~~

~~(q) It shall be unlawful for a person to dye or color artificially any animal or fowl, including but not limited to rabbits, baby chickens, and ducklings, or to bring any dyed or colored animal or fowl into the county.~~

~~(r)b. _____ It shall be unlawful for any owner to abandon an animal in the unincorporated area of the county.~~

Sec. 5-109. Sale of animals.

(a) No person shall sell, trade, barter, auction, lease, rent, give away, or display for commercial purpose, any animal, on any roadside, public right-of-way, public property, commercial parking lot, or sidewalk adjacent thereto, or at any flea market, fair, or carnival. ~~Licensed pet shops, commercial kennels, municipal and/or county animal care facilities, and licensed pet rescue organizations are exempt from the requirements of this subsection.~~

(b) No person shall offer an animal as an inducement to purchase a product, commodity, or service.

(c) No person shall sell, offer for sale, or give away any pet under eight (8) weeks of age, except as to surrender to a municipal and/or county animal care facility or to a licensed pet rescue organization.

~~(d) _____ This section does not apply to licensed pet shops, commercial kennels, municipal and/or county animal care facilities, and licensed pet rescue organizations.~~

Sec. 5-110. Care of animals during transport.

During the transportation, of an animal, the animal must be provided with adequate space and ventilation, and must not be confined in one area for more than twenty-four (24) consecutive hours without being adequately exercised, rested, fed, and watered.

Sec. 5-11. Injured or diseased animals.

(a) Anyone striking a domestic or feral dog or cat with a vehicle shall notify the county Animal Services Department who will then take action necessary to make proper disposition of the animal. Vehicle, as defined in this section, includes all self-propelled and non-self-propelled vehicles, such as motor vehicles and bicycles.

(b) AnyA domestic or feral dog or cat received by an animal care facility in critical condition from wounds, injuries, or disease may receive sustaining treatment by a licensed veterinarian until such time as the animal's owner, custodian, or veterinarian is contacted. Every effort shall be made to effectuate contact via information obtained from the animal's tag or microchip. Any such animal in critical condition, as described in this section, may be euthanized if the owner, custodian, or veterinarian cannot be contacted within two (2) hours of receipt of the animal. If the animal is in severe pain it may be euthanized immediately by agreement between the animal care facility superintendent and a licensed veterinarian.

Sec. 5-12. Removal of excrement.

The owner or custodian of every animal shall be responsible for the removal of excretions deposited by their animal on public property, in recreation areas, or on the private property of another.

Sec. 5-13. Prohibited, exceptions.

(a) Except as provided in subsection (b), it shall be unlawful for **anya** person to publicly display or exhibit, sell, keep, harbor, own, or act as custodian of:

- (1) Non-domestic members of the cat family (Felidae);
- (2) Wolf-dog hybrids, and/or a animal containing any percentage of wolf;
- (3) Badgers, wolverines, weasels, skunks, and minks (in the family of Mustelidae);
- (4) Raccoons (Procyonidae);
- (5) Bear (Ursidae);
- (6) Nonhuman primates which include apes, monkeys, baboons, macaques, lemurs, marmosets, tamarins, and other species of the order primates (Haplorrhini);
- (7) Bats (Chiroptera);
- (8) Semi-aquatic reptiles in the order of Alligators, crocodiles, and caimans (Crocodilia);
- (9) Scorpions (Scorpiones);
- (10) Constricting snakes of the following species: Reticulated Python (Python reticulatus), Burmese Python (Python bivittatus), Indian rock Python (Python molurus), African Rock Python (Python Sebae), and Anaconda (Eunectes murinus - all types);
- (11) Venomous reptiles;
- (12) Lizards over two feet which is a member of the family carnivorous and frugivorous lizards (Varanidae);
- (13) Non-domesticated members of the order placental mammals (Carnivora);

(14) Other wildlife not listed;

(15) Animals of mixed domestication and feral lineage; or

(16) Other animals where its behavior, size, temperament, breed, or capacity for inflicting serious injury is or may be detrimental to the health, welfare, or safety of people or animals in the immediate surrounding area.

(b) The prohibitions contained in subsection (a) shall not apply in the following circumstances:

(1) The keeping of such animals in a public zoo, a bona fide education or medical institution, by a humane society, or in a museum where they are kept as live specimens for the public to view or for the purpose of instruction, research, or study;

(2) The keeping of such animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit, or show pursuant to properly obtained federal, state, and/or local licenses and/or permits;

(3) The keeping of such animals in a licensed veterinary hospital for treatment; or

(4) The keeping of such animals by a wildlife rescue organization with appropriate federal, state, and/or local licenses and/or permits obtained from applicable regulatory bodies.

Sec. 5-~~12~~14. Seizure and right of entry to protect abandoned, neglected, or cruelly treated animals.

(a) If the owner or custodian does not give permission, the Animal Care Officer may obtain a search warrant to enter onto any privately owned premises of which an Animal Care Officer suspects a violation of this chapter exists thereupon which it is suspected a violation of this chapter exists. Once upon the premises, the officer may examine such the animal and may take immediately seize custody of the animal when, in his or her the officer's sole opinion, it requires removal of the animal from the premises is necessary for the immediate protection of the animal or the public, and shall issue a uniform ordinance summons to the owner or custodian. If an Animal Care Officer witnesses an animal in distress and in need of immediate medical attention, the officer may exercise the authority to enter onto private property (yard only) and/or into an enclosed fenced yard to seize the animal. If the animal is not in need of immediate medical care, then a search warrant must be executed in order to enter onto private property (yard only) and/or into an enclosed fenced yard.

(b) If the animal cannot be seized in a safe and efficient manner, the Animal Care Officer may tranquilize the animal by use of a tranquilizer gun.

(c) The After the animal is seized pursuant to this section, the Animal Care Officer shall thereafter petition the appropriate magistrate for a civil hearing and order pursuant to Section 5-16.

(d) Nothing in this section shall be construed as to prohibit the immediate euthanizing of an animal after the initial seizure and without regard to a civil hearing or the uniform ordinance summons criminal proceeding when:

(1) The animal is determined by the animal care facility superintendent or its designee, in agreement with a licensed veterinarian, to be a danger to other animals or persons at the animal care facility, infectious to other animals, in pain, or near death; or

(2) The animal is determined by the animal care facility superintendent or its designee, in agreement with a licensed veterinarian, to be critically injured or ill and must be euthanized for humane purposes.

~~(a) , which shall be a civil proceeding. The hearing shall be set not more than ten (10) business days from the date of the seizure of the animal to determine whether the owner, if known, is able to adequately provide for the animal and is a fit person to own the animal until final disposition of the uniform ordinance summons (criminal proceeding). The Animal Care Officer shall cause to be served upon the owner, if known and residing within the jurisdiction wherein the animal is found, written notice at least five (5) business days prior to the hearing of the time and place of the hearing. If the owner is not known or cannot be found within the jurisdiction wherein the animal was found, the Animal Care Officer shall post a copy of the notice at the property where the animal was seized. The pet or animal shall remain in the custody and care of the Animal Care Department until conclusion of the civil hearing before the magistrate. During or after the final uniform ordinance summons proceeding, the magistrate shall make the final determination as to whether the animal is returned to the owner or whether title is transferred to the Animal Care Department whereby the animal may be put up for adoption or humanely destroyed. The court, in either proceeding, in determining whether the owner is able to adequately provide for the animal or is a fit person to own the animal, may take into consideration, among other things, the owner's past record of convictions under this chapter, or one similar thereto, and the owner's mental and physical condition.~~

~~If the magistrate, after conclusion of either the civil or criminal proceeding, orders the return of the animal to its owner, the animal care facility shall release the animal upon receipt from the owner of all redemption fees as described in Section 5-14, below. If the owner does not pay the redemption fees within five (5) business days of the magistrate's order of final disposition of the animal after conclusion of the criminal proceeding, the animal shall become the property of the Animal Care Department, shall not be released to the owner, and may be placed for adoption or euthanized.~~

~~(b) Nothing in this section shall be construed to prohibit the euthanization of a critically injured or ill animal for humane purposes at any time after the initial seizure of the animal.~~

Sec. 5-~~13~~15. Impounding, surrender.

(a) AnyAn animal found within the unincorporated area of the county as a result of a violation or alleged violation by the owner or custodian, whether known or unknown, of

~~the in violation of the~~ provisions of this chapter may be caught or seized and impounded by an Animal Care Officer~~county authorities~~. If ~~an the~~ animal cannot be caught or seized in a safe, and efficient manner, the Animal Care Officer ~~animal care personnel~~ may tranquilize the animal by use of a tranquilizer gun.

~~—The Animal Care Department may, thereafter, make available for adoption or humanely destroy impounded animals which are not positively identifiable and not redeemed within five (5) business days, except as provided in subsection (I) below, animals impounded at the animal care facility, which are deemed by the Superintendent of Animal Services, or his/her designee, in agreement with a licensed veterinarian, to constitute a danger to other animals or persons at the facility, or which are infectious to other animals, in pain or near death, may be humanely destroyed immediately.~~

~~(a) When a person arrested is, at the time of the an arrest, in charge of an animal, the county Animal Care Department~~Animal Services Department may take charge of the animal and deposit the animal in a safe place of custody or impound the animal at its animal care facility.

~~(a) The county may transfer title of all animals held at its animal care facility after the legal detention period has expired and its owner has not claimed the animal.~~

~~(a) A positively identifiable animal is one which bears or wears a legible and traceable current permanent number, county license tag or rabies vaccination tag pursuant to Section 5-2; or traceable number, tattoo or microchip pursuant to S.C. Code 47-3-510 (Supp. 1999).~~

~~—The owner of a positively identifiable impounded animal shall be notified at the owner's last known address by registered mail if attempts by telephone are not successful. The owner has fourteen (14) business days from the date of mailing to redeem the animal from the animal care facility. Redemption costs will include the cost of mailing, plus any established costs, fines, fees or other charges. If the owner does not redeem the animal within fourteen (14) business days of the date of the mailing, the animal will be deemed abandoned and becomes the property of the animal care facility. For animals impounded at the animal care facility, the Superintendent of Animal Services, or his/her designee in agreement with a licensed veterinarian, shall either place the animal for adoption or have the animal humanely destroyed, pursuant to S.C. Code 47-3-540 (Supp. 1999).~~

~~—Notwithstanding the above and except as provided in subsection (f), below, positively identifiable animals impounded at the animal care facility, which are deemed by the Superintendent of Animal Services, or his/her designee, in agreement with a licensed veterinarian to constitute a danger to other animals or persons at the facility, or which are infectious to other animals, in pain or near death, may be humanely destroyed at any time.~~

~~(d) Any animal found "at large" may be impounded by the Animal Care Officer and may not be redeemed by its owner unless such redemption is authorized by the county Animal~~

Care Department, with assurance from the owner that proper care and custody will be maintained.

- (d) Any animal that has been determined by the Animal Care Department to be a dangerous or vicious animal, and is not properly confined as described in Section 5-16(c), below, or is otherwise in violation of this chapter, may be impounded by the Animal Care Department. Such animals shall not be euthanized unless the owner has surrendered the animal to the animal care facility and has completed and signed a surrender form or until a final uniform ordinance summons proceeding (criminal proceeding) is held before an appropriate magistrate and the magistrate has determined that the animal should be euthanized.

— If the owner does not give permission, the Animal Care Officer may obtain a search warrant to enter any premises upon which it is suspected a violation of this chapter exists. Once upon the premises, the officer may examine such animal and may take immediate custody of the animal when, in his or her opinion, it requires removal from the premises for the immediate protection of the animal or the public, and shall issue a uniform ordinance summons to the owner. The Animal Care Officer shall thereafter petition the appropriate magistrate for a hearing, which shall be a civil proceeding. The hearing shall be set not more than ten (10) business days from the date of the seizure of the animal to determine whether the owner, if known, is able to adequately provide for the animal, adequately confine the animal as defined in Section 5-16 (c), and is a fit person to own the animal until final disposition of the uniform ordinance summons (criminal proceeding). The Animal Care Officer shall cause to be served upon the owner, if known and residing within the jurisdiction wherein the animal is found, written notice at least five (5) business days prior to the hearing of the time and place of the hearing. If the owner is not known or cannot be found within the jurisdiction wherein the animal was found, the Animal Care Officer shall post a copy of the notice at the property where the animal was seized. The pet or animal shall remain in the custody and care of the Animal Care Department until conclusion of the civil hearing before the magistrate. During or after the final uniform ordinance summons proceeding, the magistrate shall make the final determination as to whether the animal is returned to the owner or whether title is transferred to the Animal Care Department whereby the animal may be put up for adoption or humanely destroyed. The court, in either proceeding, in determining whether the owner is able to adequately provide for the animal, adequately confine the animal as defined in Section 5-16 (c), or is a fit person to own the animal, may take into consideration, among other things, the owner's past record of convictions under this chapter, or one similar thereto, and the owner's mental and physical condition.

— If the magistrate, after conclusion of either the civil or criminal proceeding, orders the return of the animal to its owner, the animal care facility shall release the animal upon receipt from the owner of all redemption fees as described in Section 5-14, below. If the

~~owner does not pay the redemption fees within five (5) business days of the magistrate's order of final disposition of the animal after conclusion of the criminal proceeding, the animal shall become the property of the Animal Care Department, shall not be released to the owner, and may be placed for adoption or euthanized.~~

~~(b)~~

~~(c) Nothing in this subsection (f) shall be construed as to prohibit the immediate euthanizing euthanization of a critically injured or ill an animal for humane purposes at any time after impoundment impoundment of the animal and without regard to a civil hearing or the uniform ordinance summons criminal proceeding when:~~

~~(1) The animal is determined by the animal care facility superintendent or its designee, in agreement with a licensed veterinarian, to be a danger to other animals or persons at the animal care facility, infectious to other animals, or in pain or near death; or~~

~~(2) The animal is determined by the animal care facility superintendent or its designee, in agreement with a licensed veterinarian, to be critically injured or ill and must be euthanized for humane purposes.-~~

~~(e) An owner or custodian may surrender its Any animal surrendered to the animal care facility upon the completion of a signed surrender form. Upon surrender, the animal shall become the property of the county Animal Services Department with title to ownership vested therein and may be adopted placed for adoption or euthanized at any time provided there is a completed and signed surrender form on file for the animal concerned.~~

~~(f)(d) It shall be unlawful for anya person to furnish false information on the animal surrender form.~~

Sec. 5-1416. Civil hearing petition and hearing procedure.

~~(a) Except as provided otherwise in this chapter, an Animal Care Officer may, upon its own initiative, petition the appropriate magistrate for a civil hearing when:~~

~~(1) A person suspected of violating any provision of this chapter is charged by an Animal Care Officer with such violation; or~~

~~(2) An Animal Care Officer finds an animal within the unincorporated area of the county as a result of a violation or alleged violation by the owner or custodian, whether known or unknown, of the provisions of this chapter.~~

~~(b) The civil hearing will be held (prior to the uniform ordinance summons criminal proceeding) to determine physical custody of the animal and at the conclusion of that hearing, the magistrate shall issue an order with its determination of whether the animal remains with or is returned to the owner or custodian or whether title to ownership is transferred to the county Animal Services Department.~~

- (c) The civil hearing shall be set not more than ten (10) business days from the date the animal was impounded. The Animal Care Officer or its designee shall, at least five (5) business days prior to the civil hearing, serve written notice of the time and place of the civil hearing upon the owner or custodian if known and residing within the jurisdiction wherein the animal is found. If the owner or custodian is unknown or cannot be found within the jurisdiction wherein the animal was found, the Animal Care Officer shall post a copy of the civil hearing notice at the property where the animal was seized
- (d) In determining whether the owner or custodian is able to adequately provide for the animal or is a fit person to own or have custody of the animal, the magistrate may take into consideration the owner or custodian's convictions under this chapter and convictions similar thereto, the owner or custodian's mental and physical condition, and other applicable criteria; and
- (1) Notwithstanding subsection (2), if the civil hearing is held in response to a violation or alleged violation of this chapter and the magistrate orders the animal to remain with or be returned to its owner or custodian, the animal care facility shall release the animal pursuant to Section 5-17, provided that all other redemption requirements are met; or
- (2) If the civil hearing is held in response to a violation or alleged violation of Section 5-7 and the magistrate orders the animal to remain with or be returned to its owner or custodian, the magistrate is to include in its order that the animal is not to be released until the magistrate receives from the Animal Care Officer confirmation the owner or custodian has proper confinement for the animal as defined in Section 5-7, provided that all other redemption requirements are met.
- (e) If the owner or custodian does not redeem the animal within seven (7) business days of the issuance of the magistrate's order, the animal shall become the property of the county Animal Services Department and may be placed for adoption or euthanized.
- (f) Nothing in this section shall be construed as to prohibit the immediate euthanizing of an animal after seizure or impoundment and without regard to a civil hearing or the uniform ordinance summons criminal proceeding when:
- (1) The animal is determined by the animal care facility superintendent or its designee, in agreement with a licensed veterinarian, to be a danger to other animals or persons at the animal care facility, infectious to other animals, or in pain or near death; or
- (2) The animal is determined by the animal care facility superintendent or its designee, in agreement with a licensed veterinarian, to be critically injured or ill and must be euthanized for humane purposes.

Sec. 5-17. Redemption.

- (a) The owner or ~~keeper-custodian~~ of ~~any~~ animal ~~that has been impounded under pursuant to the provisions of this chapter, and which has not been determined by the Animal Care~~

~~Department to be dangerous or vicious, shall have the right to redeem such pet animal at any time within the legal detention period outlined in Section 5-13 prior to the applicable redemption deadline upon payment of all fees, established and required by the Animal Care facility. No pet will be released without proof of inoculation vaccination, and without an implanted microchip, provided that all other redemption requirements have been met. The fees set forth shall be doubled for any pet impounded twice or more within the same 12-month period. An animal attempted to be redeemed after the redemption deadline may not be released to the owner or custodian without due cause as determined solely by the Animal Services Director or its designee.-~~

~~(b) No fertile pet shall be redeemed unless one of the exceptions in Section 5-3(a) has been met. The requirements that a pet Impounded animals must be spayed or neutered before being redeemed prior to redemption, unless the owner or custodian of the animal can provide:~~

- ~~(1) A statement from a licensed veterinarian that the animal, due to health reasons, could not withstand sterilization surgery;~~
- ~~(2) Proof of participation in a nationally recognized conformation or performance event occurring within the past twelve (12) months; or~~
- ~~(3) Proof the animal is currently being used for hunting purposes and has properly been registered with a nationally recognized organization which sanctions hunting tests and/or field trials.~~

~~(c) Positively identifiable animals:~~

- ~~(1) A positively identifiable animal is one which bears or wears a legible and traceable current permanent number, county license tag or rabies vaccination tag, tattoo, or microchip pursuant to S.C. Code of Laws Annotated Section 47-3-510 (1999) or one which is known by the county Animal Services Department to belong to an owner or custodian positively identifiable by the county Animal Services Department.~~
- ~~(2) With the exception of an animal to be released by a magistrate's order, the county Animal Services Department shall notify the owner or custodian of a positively identifiable impounded animal at the last known address by registered mail that the dog is in its possession. The owner or custodian has fourteen (14) calendar days from the date of mailing to notify the county Animal Services Department or the animal care facility that they will redeem the animal and (14) calendar days from that notification to redeem the animal from the animal care facility. The animal must be redeemed pursuant to Section 5-17, provided that all other redemption requirements are met.~~
- ~~(3) Animals released pursuant to a magistrate's order must be redeemed within seven (7) business days after the issuance of the order, provided that all other redemption requirements are met.~~

(d) Non-positively identifiable animals must be redeemed within five (5) calendar days of impound.

(e) If the owner or custodian of an animal impounded at the animal care facility fails to redeem the animal within the prescribed time, the animal will be deemed abandoned, shall become the property of the county Animal Services Department with title to ownership vested therein, and may be placed for adoption or euthanized.

(b)(f) _____ shall not be waived pursuant to the exceptions in Section 5-3 (a) if If the animal has been impounded more than once for a violations of this chapter. In such instances, the pet animal shall be spayed or neutered by the animal care facility, regardless of whether proof pursuant to subsection (b) is provided, and the costs of such shall be added to all other required redemption fees.

—The fees set out in this section shall be doubled for any pet impounded twice or more within the same 12-month period.

Sec. 5-1518. Adoption.

(a) AnyAn animal impounded under the any provisions of this chapter, which is the property of the county Animal Services Department, may, at the end of the legal detention period, be adopted, provided the new owner will agree to comply with the provisions contained herein and pays all applicable fees.

(b) Any pet surrendered to the Animal Care Department or animal care facility may be adopted at any time provided there is a completed and signed surrender form on file for the animal concerned.

(e)(b) _____ Those individuals adopting puppies or kittens too young to be neutered, or spayed, or receive rabies inoculations vaccinations at the time of adoption will pay the cost of these procedures at the time of adoption and be given an appointment for a later time date to have these procedures performed accomplished. In the event the The fees paid for these procedures will be refunded if the animal is deceased prior to the appointment date, the applicable portion of the adoption fee will be returned.

Sec. 5-16. Prohibited, exceptions.

(a) Except as provided in subsection 5-16 (d), it shall be unlawful for any person to sell, own, keep, harbor, or act as custodian of a:

(0) Non-domestic member of the family felidae;

(0) Wolf dog hybrid containing any percentage of wolf;

(0) Badger, wolverine, weasel, skunk and mink;

(0) Raccoon;

(0) Bear;

- ~~(0) Nonhuman primate to include ape, monkey, baboon, macaque, lemur, marmoset, tamarin and other species of the order primates;~~
- ~~(0) Bat;~~
- ~~(0) Alligator, crocodile and caiman;~~
- ~~(0) Scorpion;~~
- ~~(0) Constricting snake of the following species: reticulated python, python reticulatus; Burmese/Indian rock python, python molurus; rock python, python sebae, and anaconda, eunectes murlnus;~~
- ~~(0) Venomous reptile;~~
- ~~(0) Any snake or other animal where the animal's behavior, size, temperament, breed, or capacity for inflicting serious injury is or may be detrimental to the safety and welfare of citizens in the immediate surrounding area;~~
- ~~(0) Any lizard over two feet which is a members of the family varanidae;~~
- ~~(0) Any non-domesticated member of the order Carnivora;~~
- ~~(0) Any wild or feral animal; or~~
- ~~(0) Any animal of mixed domestication and feral lineage.~~
- ~~(a) It shall be lawful for any person to own, keep, harbor, act as custodian of any make not listed in subsection 5-16(a); provided, however, it shall be unlawful to expose such snake to public view or contact, or exhibit either gratuitously or for a fee, within the unincorporated areas of the county on public or private property, except as provided in subsection 5-16(d).~~
- ~~(a) It shall be unlawful for a person owning or harboring or having the care or the custody of a dangerous or vicious animal to permit the animal to go unconfined. A dangerous or vicious animal is unconfined as the term is used in this section if the animal is not securely confined indoors or confined in a securely enclosed and locked pen or "run" area upon the person's premises. The pen or run area also must have either: 1) sides six (6) feet high, or 2) a secure top. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground at a depth of no less than one (1) foot. However, the provisions of this subsection shall not apply to any animal that is owned by a licensed security company and is on patrol in a confined area.~~
- ~~(a) The prohibitions contained in subsections (a) and (b) above, shall not apply in the following circumstances:
 - ~~(0) The keeping of such animals in a public zoo, bona fide education or medical institution, humane society, or museum where they are kept as live specimens for the public to view, or for the purpose of instruction, research, or study;~~~~

~~(1) The keeping of such animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit or show, properly licensed and permitted by state and local law;~~

~~— The keeping of such animals in a bona fide, licensed veterinary hospital for treatment;~~

~~(2) The keeping of such animals by a wildlife rescue organization with appropriate permits from any state or local regulatory body.~~

Sec. 5-1719. Interference with animal care officers.

It shall be unlawful for ~~any~~ any person to interfere with, hinder, or molest an Animal Care Officer in the performance of ~~his or her~~ their duty or seek to release ~~anyan~~ any pet animal in the custody of an Animal Care Officer without such officer's consent.

Sec. 5-1820. Complainant's identification ~~to remain confidential.~~

AnyA person reporting a violation of this chapter and/or requesting a summons be issued must provide identification to the Animal Care Officer. The identity, or information tending to reveal the identity, of anyan individual who in good faith makes a complaint or otherwise discloses information, which alleges a violation of this chapter, shall remain confidential, unless the complainant authorizes the release of ~~his or her~~ their identity.

Sec. 5-1921. Penalties.

(a) AnyA person who violates the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both. Each day's continuing violation shall constitute a separate and distinct offense.

~~(b) The AnyAn owner or person having charge or custody custodian of an animal convicted of violating Section 5-4(a)(4) of this chapter cruelly used who is convicted of any violation of this chapter~~ forfeits ownership, charge, or custody of the animal and at the discretion of the court, the person ~~who is charged with or~~ convicted of ~~a such~~ violation of ~~this chapter must may~~ be ordered to pay all costs incurred by the county Animal Services Department prior to the conviction to care for the animal and related expenses.

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. 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 _____, 2024.

RICHLAND COUNTY COUNCIL

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

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 5, ANIMALS AND FOWL.

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 5, Animals and Fowl, is hereby amended by the deletion of the language contained therein and the substitution of the following language:

CHAPTER 5: ANIMALS

Sec. 5-1. Definitions.

Whenever used in this chapter, unless a contrary intention is clearly evidenced, the following terms shall be interpreted as herein defined.

Abandon. The owner or custodian's failure to provide for its animal the necessities of life and well-being or to desert, forsake, or give up absolutely its animal without securing another owner or custodian. This section does not include the responsible release of community cats trapped, sterilized, and released back into the community.

Abuse. The act of an owner or custodian who deprives its animal of necessary sustenance or shelter, or of a person who inflicts unnecessary pain or suffering upon an animal, or of a person causing these things to be done.

Animal. In addition to dogs and cats, any organism of the kingdom of Animalia, other than a human being.

Animal Care Officer. A person employed by the county to enforce the animal care program or an official with legal enforcement authority thereof.

Animal Care Facility. A premise designated or selected by the county for the purpose of impound, care, adoption, or euthanasia of animals held under the authority of this chapter.

At large. Not under restraint or confinement.

Commercial pet breeder. A person, partnership, corporation, association, or establishment engaged in a business, occupation, profession, or activity in which one or more dogs are owned, kept, harbored, or boarded and used for a stud for which a fee is charged and/or used for breeding purposes for which a fee is charged for the offspring.

Community Cat, also called “free-roaming cat.” A domestic cat that is no longer in a domesticated environment or one of its descendants and that lives outdoors full-time and has no known owner. Pets and/or house cats which are outdoors periodically are specifically excluded from this definition.

Custodian. A person who, regardless of the length of time, keeps, has charge of, shelters, feeds, harbors, or takes care of any animal, or is otherwise acting as the owner of an animal. A custodian is not necessarily the owner.

Dangerous or vicious animal.

(a) Dangerous or vicious animal means:

- (1) An animal which the owner or custodian knows, or reasonably should know, has the propensity, tendency, or disposition to, without provocation, attack, cause injury to, or otherwise endanger the safety of human beings, domestic animals, or livestock;
- (2) An animal which bites or attacks a human being, domestic animal, or livestock one or more times without provocation, whether or not such bite or attack occurs on the premises of the animal’s owner;
- (3) An animal, while not under restraint or confinement, which commits one or more acts, without provocation, that causes a person to reasonably believe the animal will bite or attack and cause bodily injury to a human being, domestic animal, or livestock; or
- (4) An animal kept or harbored by its owner or custodian primarily, or in part, for the purpose of animal fighting or which has been trained for animal fighting.

(b) An animal shall not be deemed dangerous or vicious if:

- (1) The animal bites, attacks, or commits an unprovoked act upon, as described in subsection (a):
 - a. A human being or animal assaulting its owner or custodian;
 - b. A human being or animal trespassing upon the property of its owner or custodian. For the purpose of this definition, trespassing means entering or remaining upon the property of another without permission or legal privilege; or
 - c. A human being or animal which has abused or tormented it;
- (2) The animal is protecting or defending its offspring or another animal; or
- (3) The animal is acting in defense of an attack upon its owner or custodian or other person.

Domestic. To share the genetic makeup and/or physical appearance of its ancestors which were historically domesticated for human companionship and service.

Feral animal. An animal which may be an individual domesticated animal who is no longer in a domesticated environment, or one of their descendants.

Fowl. Birds kept for domestic, or utility purposes including, but not limited to, chickens, hens, roosters, guineas, ducks, geese, turkeys, emus, and poultry.

Harboring. Allowing an animal to, regardless of the length of time, remain, be lodged, or be fed upon or within a premise which the person occupies or owns. Premises include, but is not limited to, dwellings, buildings, yards, and enclosures.

Impound. The humane confinement of the animal by an Animal Care Officer at an animal care facility.

Livestock. Cattle, sheep, horses, goats, swine, mules, asses, and other animals ordinarily raised or used on a farm.

Owner. A person who:

- (1) Has a property right in the animal;
- (2) Keeps or harbors the animal, has it in its care, or acts as its custodian; or
- (3) Permits the animal to remain on or about premises it owns or occupies.

Pet. Domestic dog (*canis lupus familiaris*) and/or domestic cat (*felis catus*). When applicable, pet shall also mean an animal kept lawfully for pleasure rather than utility or commercial purposes, including fowl.

Provocation. An act done towards an animal that a reasonable person would expect to enrage such an animal to the extent the animal would be likely to, or did, bite, attack, and/or cause bodily injury. Provocation includes, but is not limited to, teasing, harassing, beating, torturing, injuring, or intentionally causing pain to an animal. When an animal is attacked on the property of its owner or custodian by another animal off its owner's or custodian's property, the attack will be presumed unprovoked, absent clear evidence to the contrary. Provocation does not include actions on the part of an individual that pertain to reasonable efforts of self-defense, defense of others, or defense of another animal.

Seizure. The removal of an animal from an individual's property or possession, without the consent of the owner or custodian, by an Animal Care Officer as a result of a violation or alleged violation of the provisions of this chapter or to satisfy an order entered by the court.

Shelter. Unless stated otherwise, a structure reasonably expected to protect the animal from exposure to the elements of weather or adverse conditions where such exposure could cause the animal physical suffering or impairment.

Tether. To fasten, chain, tie, secure, or restrain an animal by a collar or harness to a dog house, tree, fence, or other stationary object or structure.

Under restraint or confinement. Under restraint or confinement shall mean an animal that is:

- (1) On the premises of its owner or custodian indoors;
- (2) On the premises of its owner or custodian outdoors on a leash or other similar restraining device or within a fenced-in area;

- (3) On the premises of its owner or custodian while accompanied by its owner or custodian; or
- (4) Off the premises of its owner or custodian while accompanied by its owner or custodian and is under physical control of such owner or custodian by means of a leash or other similar restraining device.

Unincorporated area of the county. The unincorporated area of Richland County and all areas located in municipalities with which Richland County has an agreement for animal services.

Sec. 5-2. License for dogs and cats; rabies vaccination tags.

- (a) For the purpose of this section, *pet* shall mean domestic dog and/or domestic cat.
- (b) It shall be unlawful for the owner or custodian of a pet to fail to obtain a current county pet license for a pet over four (4) months of age.
 - (1) The county Animal Services Department shall annually provide a sufficient number of durable tags suitable for pets, numbered from one (1) upwards, on which shall be stamped the year and the words “pet license.” Such tags must be worn by all pets within the unincorporated area of the county at all times.
 - (2) The county Animal Services Department shall maintain the name and address of each party to whom a license and tag have been issued under the provisions of this section and shall keep the same on file in the offices of the department for the purpose of identification.
 - (3) It shall be unlawful for the owner or custodian of a pet over four (4) months of age to fail to vaccinate the pet and obtain a current rabies vaccination tag showing that such pet has been vaccinated by a licensed veterinarian. No license will be issued unless proof of vaccination is shown.
 - (4) A pet owner or custodian who moves into the unincorporated area of the county for the purpose of establishing residency shall have thirty (30) calendar days in which to obtain the license.
- (c) License fees.
 - (1) Annual license fees. Annual license fees for fertile and sterilized pets shall be established by the county council. Licenses will expire one (1) year after the date of issue and owners/custodians must renew the license prior to its expiration.
 - (2) Exemptions from annual license fees. The following owner/custodian classifications of fertile pets shall be exempt from paying the higher license fee for fertile pets. These exempt persons shall be required to purchase a license for their fertile pet and will pay the same license fee as required for sterilized pets:

- a. A pet owner or custodian who can furnish a statement from a licensed veterinarian that the pet, due to health reasons, could not withstand sterilization surgery;
 - b. An owner or custodian of a purebred pet who can furnish proof of participation in a nationally recognized conformation or performance event occurring within the past twelve (12) months; or
 - c. An owner or custodian of a dog currently being used for hunting purposes who can furnish proof the dog has been properly registered with a nationally recognized organization which sanctions hunting tests and/or field trials.
- (3) An owner or custodian of a dog which is trained to be an assistance/service dog shall be required to obtain an annual license but shall not be required to pay a license fee.

Sec. 5-3. Permit for commercial pet breeding.

- (a) For the purpose of this section, *pet* shall mean domestic dog and domestic cat. A commercial pet breeder is permitted to operate in the unincorporated area of the county so long as the breeder obtains from the county Animal Services Department a commercial pet breeder permit and meets all other requirements established by federal, state, or local laws. The breeder permit application process should begin prior to a litter being delivered.
- (b) It shall be unlawful for a commercial pet breeder to fail to obtain a county commercial pet breeder permit from the county Animal Services Department. To obtain a commercial pet breeder permit:
 - (1) Before applying for a permit, the applicant must first have obtained:
 - a. A County Business License issued by the Richland County Business Service Center; and
 - b. County pet licenses and rabies vaccinations for all pets over four (4) months of age kept or harbored by the breeder as set forth in Section 5-2.
 - (2) The permit applicant must complete a commercial pet breeder permit application. An application is complete when filled out properly and accompanied by a copy of a valid County business license and proof of pet licensing and vaccination, where applicable. Incomplete applications will not be accepted.
 - (3) The permit applicant must pass an inspection. The Animal Services Department, through its Animal Care Officers, shall conduct an inspection of the premise upon which the pets are primarily kept to ensure the following requirements, along with the requirements set forth in Section 5-4, are met:

- a. The enclosure or other area(s) where the pets are kept is constructed in such a manner that pets housed there will be adequately and comfortably kept in any season of the year;
- b. The enclosure or other area(s) where the pets are kept is able to be easily cleaned and sanitized and kept clean and free from accumulations of feces, filth, mud, and debris;
- c. Every pet on the premises has constant access to a clean and fresh water supply and an adequate amount of food appropriate to maintain each pet's normal condition of health;
- d. The premise where the pets are kept is set up in such a manner as to prevent pets from straying beyond their enclosed confines or other areas and prevents the public and stray animals from obtaining entrance thereto or making contact with the pets on the premise;
- e. Permits shall be displayed in a conspicuous place inside of the physical location shown on the application.
- f. The above-listed requirements must be maintained throughout the period of time for which the permit is issued and failure to maintain these requirements may result in a revocation of the permit.

(c) Restrictions:

- (1) A permit will not be issued to an applicant who has been previously found guilty of violating any federal, state, or local laws or regulations pertaining to animal cruelty within five (5) years of the date of application.
- (2) A permit will only be valid if there also exists a valid business license and only for the applicant and location listed on the application. The permit is non-transferable.
- (3) Any violation or alleged violation of this chapter shall be grounds for the revocation of the permit. The county Animal Services Department shall determine, in its sole discretion, whether the permit is to be revoked and shall communicate the revocation to the breeder in writing. Revocation means the breeder shall cease all commercial breeding activity until a new valid permit is issued or the revocation is rescinded and failure to do so will subject the breeder to penalties. The breeder may appeal the revocation by submitting to the Animal Services Director a writing setting forth the reasons for the appeal. Only what is submitted in writing will be considered. The written appeal must be received by the Animal Services Director within seven (7) business days of the revocation notice and the Animal Services Director will review the written appeal and issue its determination to rescind or uphold the revocation within thirty (30) calendar days of receipt of the appeal.

- (d) The annual fee for a commercial pet breeder permit is non-refundable and shall be established by county council. The permit shall expire one (1) year after the date of issue.
- (e) The county Animal Services Department shall maintain the name and address of each party to whom a permit has been issued under the provisions of this section and shall keep the same on file in the offices of the department for the purpose of identification.

Sec. 5-4. Animal care, generally.

- (a) It shall be unlawful for an owner or custodian to fail to provide its animals with:
 - (1) Necessary sustenance, such as sufficient good and wholesome food, in an adequate amount to sustain flesh or permit normal growth and an adequate amount of clean water that is not sour, filthy, or spoiled. Food and water should be of the appropriate amounts and type for the species;
 - (2) Proper protection from the weather;
 - (3) Veterinary care when needed to prevent suffering or care for a diseased, sick, or injured animal;
 - (4) Humane care and treatment. It shall be unlawful for a person to tease, molest, beat, cruelly treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit dogfighting or other combat between animals or between animals and humans; or
 - (5) Proper shelter. Proper shelter for an animal primarily kept outdoors and unattended includes, but is not limited to:
 - a. Dogs.
 - 1. The shelter should be of weatherproof construction, have a roof, enclosed sides, a doorway, and a solid level floor raised at least two inches from the ground. There shall be no cracks or openings other than the entrance except that rainproof openings for ventilation are acceptable in hot weather.
 - 2. The shelter shall be small enough to allow the dog to maintain warmth and body heat, but large enough to allow the dog to stand, turn around, and lie down.
 - 3. When the real or effective temperature is forty (40) degrees Fahrenheit or below, a sufficient amount of dry bedding, such as cedar shavings or straw, must be provided to insulate against the cold and dampness.
 - 4. The following is not considered proper shelter: Storage buildings, sheds, crates, pet carriers, barrels, screened porches, patios, or balconies, nor the areas under lean-tos, covered porches, decks, vehicles, or houses.

b. Livestock.

1. The shelter should provide protection from heavy rain, snow, and high wind and provide sufficient shade in the summer.
 2. The shelter for large livestock and healthy horses and cattle does not have to be manmade. Natural shelters, such as trees, are acceptable. However, a windbreak must be provided.
 3. The shelter for small livestock and unhealthy horses and cattle must be in the form of a barn or pen of sufficient capacity and strength to properly accommodate the number of animals contained therein.
- (b) It shall be unlawful for a person to leave an untethered pet outdoors unattended for two (2) continuous hours or longer without access to fresh water and shelter, as defined in this chapter, regardless of temperature.
- (c) It shall be unlawful for a person to leave an untethered pet outdoors unattended for thirty (30) minutes or longer during a consecutive four (4) hour period when:
- (1) The temperature is below forty (40) degrees Fahrenheit for a sustained four (4) hour period, unless adequate shelter, as defined in this chapter, is provided to protect the animal from the elements; or
 - (2) The temperature is above ninety (90) degrees Fahrenheit for a sustained four (4) hour period, unless adequate shade is provided to protect the animal from the elements.
- (d) It shall be unlawful for a person to improperly collar or harness a pet. Collars and harnesses must be made of leather, nylon, or similar material and properly fitted for the pet's measurements and body weight so as to not choke or impede the pet's normal breathing or swallowing and to not cause pain or injury to the pet. Logger chains, towing chains, and similar items are not permitted to be used as collars or harnesses. Pet-safe metal collars, chain collars, prong collars, or choke collars are permitted to be used while the pet is accompanied by its owner/keeper or custodian.
- (e) It shall be unlawful for a person to expose an animal to a known poisonous substance, whether mixed with food or not, so that the same shall be reasonably expected to be eaten by the animal; EXCEPT that it shall not be unlawful for a person to expose on their own property pest or vermin deterrent substances to prevent the spread of disease or the destruction of crops, livestock, or property. In no instance shall a feral or community cat or domestic animal be considered vermin.
- (f) It shall be unlawful for a person to fail to remove from a shelter or confinement area excrement, debris, standing water, or mud. No person shall fail to keep a shelter or confinement area clean, odor-free, and free of bloodsucking insects that are carriers of disease.

- (g) No person, except a licensed veterinarian, shall perform an operation to crop, notch, or split an animal's ears and/or tail.
- (h) It shall be unlawful for a person to dye or color artificially an animal, including fowl, with products not identified as pet-safe or to bring such dyed or colored animal into the unincorporated area of the county.
- (i) It shall be unlawful for an owner or custodian to abandon an animal in the unincorporated area of the county.

Sec. 5-5. Running at large.

- (a) It is unlawful for an animal to be at large. All animals must be kept under restraint or confinement and an animal not so restrained or confined will be deemed unlawfully running at large. This section shall not apply to domestic cats that have been sterilized or community cats trapped, sterilized, and released.
- (b) Dogs participating in hunting events, obedience trials, conformation shows, tracking tests, herding trials, lure courses, and other events similar in nature shall not be considered at large.
- (c) Dogs properly within the enclosed boundaries of a dog park shall not be considered at large. A dog park shall mean an enclosed area, owned and/or operated by the county, a municipality, or private entity, designed, intended, and used for domestic dogs to play and exercise off-leash in a controlled environment under the supervision of their owners or custodians.
- (d) An animal found running at large may be impounded by an Animal Care Officer and may be redeemed pursuant to Section 5-17 only upon authorization by the county Animal Services Department, with assurance from the owner or custodian that proper care and custody will be maintained.

Sec. 5-6. Nuisance animals.

- (a) It shall be unlawful for an owner or custodian to keep an animal in such a manner so as to constitute a nuisance. The actions of an animal constitute a nuisance when the animal disturbs the rights of, threatens the safety of, or damages a member of the general public or interferes with the ordinary use and enjoyment of their property or public property.
- (b) By way of example, and not of limitation, the following acts or actions by the owner or custodian of an animal are hereby declared to be a nuisance and are, therefore, unlawful:
 - (1) Failure to exercise sufficient restraint necessary to control the animal as required by Section 5-5;
 - (2) Attracting stray and/or feral cats to an area by means of providing food, water, and/or shelter. This provision does not apply to citizens performing these acts to trap, sterilize, and release community cats;

- (3) Allowing or permitting an animal to damage the property of another including, but not limited to, turning over garbage containers or damaging gardens, flowers, or vegetables;
 - (4) Maintaining an animal in a manner which could or does lead to the animal biting or attacking a human being, domestic animal, or livestock one or more times without provocation, whether or not such bite or attack occurs on the premises of the animal's owner.
 - (5) Maintaining animals in an environment of unsanitary conditions which results in offensive odors or is dangerous to the animal or to the public's health, welfare, or safety;
 - (6) Maintaining property in a manner that is offensive, annoying, or dangerous to the public's health, welfare, or safety because of the number, type, variety, density, or location of the animals on the property;
 - (7) Maintaining an animal that is diseased and dangerous to the public's health, welfare, or safety;
 - (8) Maintaining an animal that habitually or repeatedly chases, snaps at, or attacks pedestrians, bicycles, or vehicles; or
 - (9) Failure to keep female animals in heat confined in a building or secured enclosure in such a manner as will not create a nuisance by attracting other animals
- (c) An animal determined to be a nuisance by an Animal Care Officer may be caught or seized and impounded pursuant to this chapter and may be redeemed pursuant to Section 5-17 only upon authorization by the county Animal Services Department, with evidence presented by the owner or custodian that the situation creating the nuisance has been abated.

Sec. 5-7. Dangerous or vicious animal.

- (a) The Animal Services Director or its designee shall have the authority to determine if an animal is dangerous or vicious. Upon determining an animal is dangerous or vicious, the Animal Services Director or its designee shall serve written notice of such determination upon the owner or custodian at their last known address.
- (b) The owner or custodian of a dangerous or vicious animal shall properly confine the animal at all times. Proper confinement is as follows:
 - (1) Dogs:
 - a. If the animal is indoors, the animal must be kept in such a manner as to prevent the animal from, without provocation, attacking, causing injury to, or otherwise endangering the safety of individuals or other animals also located indoors.

- b. If the animal is outdoors and attended, the animal shall be muzzled, on a leash or attached to a similar physical restraining device, and under the physical control of the owner or custodian at all times.
- c. If the animal is outdoors and unattended, in addition to the requirements set forth in Section 5-4(a), the animal must be confined in a locked pen or "run" area that consists of a secured top and at least four (4) sides which are at least six (6) feet high. The shelter floor must be concrete or the sides must be buried at least twelve (12) inches in the ground.
- d. Proper confinement provisions of this subsection shall not apply to an animal owned by a licensed security company while the animal is patrolling the premises at the direction of the company. However, when off of the patrolled premises, the animal shall be properly confined as set forth in this subsection.

(2) Other animals:

- a. If the animal is indoors, the animal must be kept in such a manner as to prevent the animal from, without provocation, attacking, causing injury to, or otherwise endangering the safety of individuals or other animals also located indoors.
- b. If the animal is outdoors and attended, the animal must be restrained on a leash or attached to a similar physical restraining device, and under the control of the owner or custodian at all times.
- c. If the animal is outdoors and unattended, the animal must be confined in a locked pen or "run" area that is set up in such a manner as to prevent the animal from straying beyond its enclosed confines and prevents the public and other animals from obtaining entrance into or making contact with the animal.
- d. The Animal Services Director may, at its discretion and dependent upon the type of animal, set forth other reasonable requirements in the interest of protecting the public's health, welfare, or safety. These additional requirements shall be communicated to the owner or custodian in writing.

- (c) The premises upon which a dangerous or vicious animal is kept or harbored must have posted a sign visible to the public cautioning the public to beware of the animal located on the premises. By way of example, and not limitation, a sign reading "Beware of Dog" or "Beware of Animals" is sufficient.

Sec. 5-8. Tethering.

- (a) It shall be unlawful to tether a pet outdoors for two (2) continuous hours or longer, unless:
 - (1) The pet is older than six (6) months;

- (2) The tether is a minimum of twelve (12) feet in length and has swivel-type termination at both ends and the tether weight does not exceed ten (10) percent of the pet's body weight. Logger chains, towing chains, and other similar tethering devices are not acceptable;
- (3) The tether must be attached to the pet with a buckle-type collar or a body harness. Logger chains, towing chains, and similar items are not permitted to be used as collars or harnesses. Pet-safe metal collars, chain collars, prong collars, or choke collars are permitted to be used while the pet is accompanied by its owner/keeper or custodian;
- (4) The pet is tethered so as to prevent injury, strangulation, or entanglement with objects, vegetation, or other tethered animals;
- (5) The pet has access to fresh water and shelter, as defined in this chapter;
- (6) The pet is not sick or injured;
- (7) Every female confined by a tether and unattended is sterilized; and
- (8) The temperature is above forty (40) degrees and less than ninety (90) degrees Fahrenheit, EXCEPT:
 - a. If the temperature is below forty (40) degrees Fahrenheit for a sustained four (4) hour period, the animal may be tethered for thirty (30) minutes in a consecutive four (4) hour period so long as adequate bedding and shelter, as defined in this chapter, are provided to protect the animal from the elements; or
 - b. If the temperature is above ninety (90) degrees Fahrenheit for a sustained four (4) hour period, the animal may be tethered for thirty (30) minutes in a consecutive four (4) hour period so long as shade is provided to protect the animal from the elements.

Sec. 5-9. Sale of animals.

- (a) No person shall sell, trade, barter, auction, lease, rent, give away, or display for commercial purpose, an animal, on any roadside, public right-of-way, public property, commercial parking lot, or sidewalk adjacent thereto, or at any flea market, fair, or carnival.
- (b) No person shall offer an animal as an inducement to purchase a product, commodity, or service.
- (c) No person shall sell, offer for sale, or give away a pet under eight (8) weeks of age, except to surrender to a municipal and/or county animal care facility or to a licensed pet rescue organization.
- (d) This section does not apply to licensed pet shops, commercial kennels, municipal and/or county animal care facilities, and licensed pet rescue organizations.

Sec. 5-10. Care of animals during transport.

During the transportation of an animal, the animal must be provided with adequate space and ventilation, and must not be confined in one area for more than twenty-four (24) consecutive hours without being adequately exercised, rested, fed, and watered.

Sec. 5-11. Injured or diseased animals.

- (a) Anyone striking a domestic or feral dog or cat with a vehicle shall notify the county Animal Services Department who will then take action necessary to make proper disposition of the animal. Vehicle, as defined in this section, includes all self-propelled and non-self-propelled vehicles, such as motor vehicles and bicycles.
- (b) A domestic or feral dog or cat received by an animal care facility in critical condition from wounds, injuries, or disease may receive sustaining treatment by a licensed veterinarian until such time as the animal's owner, custodian, or veterinarian is contacted. Every effort shall be made to effectuate contact via information obtained from the animal's tag or microchip. Any such animal in critical condition, as described in this section, may be euthanized if the owner, custodian, or veterinarian cannot be contacted within two (2) hours of receipt of the animal. If the animal is in severe pain it may be euthanized immediately by agreement between the animal care facility superintendent and a licensed veterinarian.

Sec. 5-12. Removal of excrement.

The owner or custodian of every animal shall be responsible for the removal of excretions deposited by their animal on public property, in recreation areas, or on the private property of another.

Sec. 5-13. Prohibited, exceptions.

- (a) Except as provided in subsection (b), it shall be unlawful for a person to publicly display or exhibit, sell, keep, harbor, own, or act as custodian of:
 - (1) Non-domestic members of the cat family (Felidae);
 - (2) Wolf-dog hybrids, and/or a animal containing any percentage of wolf;
 - (3) Badgers, wolverines, weasels, skunks, and minks (in the family of Mustelidae);
 - (4) Raccoons (Procyonidae);
 - (5) Bear (Ursidae);
 - (6) Nonhuman primates which include apes, monkeys, baboons, macaques, lemurs, marmosets, tamarins, and other species of the order primates (Haplorrhini);
 - (7) Bats (Chiroptera);
 - (8) Semi-aquatic reptiles in the order of Alligators, crocodiles, and caimans (Crocodylia);

- (9) Scorpions (Scorpiones);
 - (10) Constricting snakes of the following species: Reticulated Python (*Python reticulatus*), Burmese Python (*Python bivittatus*), Indian rock Python (*Python molurus*), African Rock Python (*Python Sebae*), and Anaconda (*Eunectes murinus* - all types);
 - (11) Venomous reptiles;
 - (12) Lizards over two feet which is a member of the family carnivorous and frugivorous lizards (Varanidae);
 - (13) Non-domesticated members of the order placental mammals (Carnivora);
 - (14) Other wildlife not listed;
 - (15) Animals of mixed domestication and feral lineage; or
 - (16) Other animals where its behavior, size, temperament, breed, or capacity for inflicting serious injury is or may be detrimental to the health, welfare, or safety of people or animals in the immediate surrounding area.
- (b) The prohibitions contained in subsection (a) shall not apply in the following circumstances:
- (1) The keeping of such animals in a public zoo, a bona fide education or medical institution, by a humane society, or in a museum where they are kept as live specimens for the public to view or for the purpose of instruction, research, or study;
 - (2) The keeping of such animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit, or show pursuant to properly obtained federal, state, and/or local licenses and/or permits;
 - (3) The keeping of such animals in a licensed veterinary hospital for treatment; or
 - (4) The keeping of such animals by a wildlife rescue organization with appropriate federal, state, and/or local licenses and/or permits obtained from applicable regulatory bodies.

Sec. 5-14. Seizure and right of entry to protect abandoned, neglected, or cruelly treated animals.

- (a) If the owner or custodian does not give permission, the Animal Care Officer may obtain a search warrant to enter onto privately owned premises of which an Animal Care Officer suspects a violation of this chapter exists thereon. Once upon the premises, the officer may examine the animal and may immediately seize the animal when, in the officer's sole opinion, removal of the animal from the premises is necessary for the immediate protection of the animal or the public, and shall issue a uniform ordinance summons to the owner or custodian.

- (b) If the animal cannot be seized in a safe and efficient manner, the Animal Care Officer may tranquilize the animal by use of a tranquilizer gun.
- (c) After the animal is seized pursuant to this section, the Animal Care Officer shall petition the appropriate magistrate for a civil hearing and order pursuant to Section 5-16.
- (d) Nothing in this section shall be construed as to prohibit the immediate euthanizing of an animal after the initial seizure and without regard to a civil hearing or the uniform ordinance summons criminal proceeding when:
 - (1) The animal is determined by the animal care facility superintendent or its designee, in agreement with a licensed veterinarian, to be a danger to other animals or persons at the animal care facility, infectious to other animals, in pain, or near death; or
 - (2) The animal is determined by the animal care facility superintendent or its designee, in agreement with a licensed veterinarian, to be critically injured or ill and must be euthanized for humane purposes.

Sec. 5-15. Impounding, surrender.

- (a) An animal found within the unincorporated area of the county as a result of a violation or alleged violation by the owner or custodian, whether known or unknown, of the provisions of this chapter may be caught or seized and impounded by an Animal Care Officer. If the animal cannot be caught or seized in a safe and efficient manner, the Animal Care Officer may tranquilize the animal by use of a tranquilizer gun.
- (b) When a person is, at the time of an arrest, in charge of an animal, the county Animal Services Department may take charge of the animal and deposit the animal in a safe place of custody or impound the animal at its animal care facility.
- (c) Nothing in this subsection shall be construed as to prohibit the immediate euthanizing of an animal after impoundment and without regard to a civil hearing or the uniform ordinance summons criminal proceeding when:
 - (1) The animal is determined by the animal care facility superintendent or its designee, in agreement with a licensed veterinarian, to be a danger to other animals or persons at the animal care facility, infectious to other animals, or in pain or near death; or
 - (2) The animal is determined by the animal care facility superintendent or its designee, in agreement with a licensed veterinarian, to be critically injured or ill and must be euthanized for humane purposes.
- (d) An owner or custodian may surrender its animal to the animal care facility upon the completion of a signed surrender form. Upon surrender, the animal shall become the property of the county Animal Services Department with title to ownership vested therein and may be placed for adoption or euthanized. It shall be unlawful for a person to furnish false information on the animal surrender form.

Sec. 5-16. Civil hearing petition and hearing procedure.

- (a) Except as provided otherwise in this chapter, an Animal Care Officer may, upon its own initiative, petition the appropriate magistrate for a civil hearing when:
 - (1) A person suspected of violating any provision of this chapter is charged by an Animal Care Officer with such violation; or
 - (2) An Animal Care Officer finds an animal within the unincorporated area of the county as a result of a violation or alleged violation by the owner or custodian, whether known or unknown, of the provisions of this chapter.
- (b) The civil hearing will be held (prior to the uniform ordinance summons criminal proceeding) to determine physical custody of the animal and at the conclusion of that hearing, the magistrate shall issue an order with its determination of whether the animal remains with or is returned to the owner or custodian or whether title to ownership is transferred to the county Animal Services Department.
- (c) The civil hearing shall be set not more than ten (10) business days from the date the animal was impounded. The Animal Care Officer or its designee shall, at least five (5) business days prior to the civil hearing, serve written notice of the time and place of the civil hearing upon the owner or custodian if known and residing within the jurisdiction wherein the animal is found. If the owner or custodian is unknown or cannot be found within the jurisdiction wherein the animal was found, the Animal Care Officer shall post a copy of the civil hearing notice at the property where the animal was seized
- (d) In determining whether the owner or custodian is able to adequately provide for the animal or is a fit person to own or have custody of the animal, the magistrate may take into consideration the owner or custodian's convictions under this chapter and convictions similar thereto, the owner or custodian's mental and physical condition, and other applicable criteria; and
 - (1) Notwithstanding subsection (2), if the civil hearing is held in response to a violation or alleged violation of this chapter and the magistrate orders the animal to remain with or be returned to its owner or custodian, the animal care facility shall release the animal pursuant to Section 5-17, provided that all other redemption requirements are met; or
 - (2) If the civil hearing is held in response to a violation or alleged violation of Section 5-7 and the magistrate orders the animal to remain with or be returned to its owner or custodian, the magistrate is to include in its order that the animal is not to be released until the magistrate receives from the Animal Care Officer confirmation the owner or custodian has proper confinement for the animal as defined in Section 5-7, provided that all other redemption requirements are met.
- (e) If the owner or custodian does not redeem the animal within seven (7) business days of the issuance of the magistrate's order, the animal shall become the property of the county Animal Services Department and may be placed for adoption or euthanized.

- (f) Nothing in this section shall be construed as to prohibit the immediate euthanizing of an animal after seizure or impoundment and without regard to a civil hearing or the uniform ordinance summons criminal proceeding when:
- (1) The animal is determined by the animal care facility superintendent or its designee, in agreement with a licensed veterinarian, to be a danger to other animals or persons at the animal care facility, infectious to other animals, or in pain or near death; or
 - (2) The animal is determined by the animal care facility superintendent or its designee, in agreement with a licensed veterinarian, to be critically injured or ill and must be euthanized for humane purposes.

Sec. 5-17. Redemption.

- (a) The owner or custodian of an animal impounded pursuant to the provisions of this chapter shall have the right to redeem such animal prior to the applicable redemption deadline upon payment of all fees, proof of vaccination, and an implanted microchip, provided that all other redemption requirements have been met. The fees set forth shall be doubled for a pet impounded twice or more within the same 12-month period. An animal attempted to be redeemed after the redemption deadline may not be released to the owner or custodian without due cause as determined solely by the Animal Services Director or its designee.
- (b) Impounded animals must be spayed or neutered prior to redemption, unless the owner or custodian of the animal can provide:
 - (1) A statement from a licensed veterinarian that the animal, due to health reasons, could not withstand sterilization surgery;
 - (2) Proof of participation in a nationally recognized conformation or performance event occurring within the past twelve (12) months; or
 - (3) Proof the animal is currently being used for hunting purposes and has properly been registered with a nationally recognized organization which sanctions hunting tests and/or field trials.
- (c) Positively identifiable animals:
 - (1) A positively identifiable animal is one which bears or wears a legible and traceable current permanent number, county license tag or rabies vaccination tag, tattoo, or microchip pursuant to S.C. Code of Laws Annotated Section 47-3-510 (1999) or one which is known by the county Animal Services Department to belong to an owner or custodian positively identifiable by the county Animal Services Department.
 - (2) With the exception of an animal to be released by a magistrate's order, the county Animal Services Department shall notify the owner or custodian of a positively identifiable impounded animal at the last known address by registered mail that

the dog is in its possession. The owner or custodian has fourteen (14) calendar days from the date of mailing to notify the county Animal Services Department or the animal care facility that they will redeem the animal and (14) calendar days from that notification to redeem the animal from the animal care facility. The animal must be redeemed pursuant to Section 5-17, provided that all other redemption requirements are met.

- (3) Animals released pursuant to a magistrate's order must be redeemed within seven (7) business days after the issuance of the order, provided that all other redemption requirements are met.
- (d) Non-positively identifiable animals must be redeemed within five (5) calendar days of impound.
- (e) If the owner or custodian of an animal impounded at the animal care facility fails to redeem the animal within the prescribed time, the animal will be deemed abandoned, shall become the property of the county Animal Services Department with title to ownership vested therein, and may be placed for adoption or euthanized.
- (f) If the animal has been impounded more than once for a violation of this chapter, the animal shall be spayed or neutered by the animal care facility, regardless of whether proof pursuant to subsection (b) is provided, and the costs of such shall be added to all other required redemption fees.

Sec. 5-18. Adoption.

- (a) An animal impounded under any provision of this chapter, which is the property of the county Animal Services Department, may be adopted, provided the new owner agrees to comply with the provisions contained herein and pays all applicable fees.
- (b) Individuals adopting puppies or kittens too young to be neutered, spayed, or receive rabies vaccinations at the time of adoption will pay the cost of these procedures at the time of adoption and be given an appointment for a later date to have these procedures performed. The fees paid for these procedures will be refunded if the animal is deceased prior to the appointment date.

Sec. 5-19. Interference with animal care officers.

It shall be unlawful for a person to interfere with, hinder, or molest an Animal Care Officer in the performance of their duty or seek to release an animal in the custody of an Animal Care Officer without such officer's consent.

Sec. 5-20. Complainant's identification.

A person reporting a violation of this chapter and/or requesting a summons be issued must provide identification to the Animal Care Officer. The identity, or information tending to reveal the identity, of an individual who in good faith makes a complaint or otherwise discloses information, which alleges a violation of this chapter, shall remain confidential, unless the complainant authorizes the release of their identity.

Sec. 5-21. Penalties.

- (a) A person who violates the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to a fine not exceeding five hundred dollars (\$500.00) or imprisonment not exceeding thirty (30) days, or both. Each day's continuing violation shall constitute a separate and distinct offense.
- (b) An owner or custodian of an animal convicted of violating Section 5-4(a)(4) of this chapter forfeits ownership, charge, or custody of the animal and at the discretion of the court, the person convicted of such violation may be ordered to pay all costs incurred by the county Animal Services Department prior to the conviction to care for the animal and related expenses.

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. 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 _____, 2024.

RICHLAND COUNTY COUNCIL

BY: _____
Jesica Mackey, Chair

ATTEST THIS THE ____ DAY
OF _____, 2024.

Anette Kirylo
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

Tid Congales 02/29/2024
Approved As To LEGAL Form Only
No Opinion Rendered As To Content

First Reading:
Second Reading:

Public Hearing:
Third Reading:

DRAFT

Current Ordinance (2017)	Proposed Changes
<ul style="list-style-type: none"> • Sec. 5-1 Definitions 	<ul style="list-style-type: none"> • Additional definitions added
<ul style="list-style-type: none"> • Sec. 5-2 Differential County License 	<ul style="list-style-type: none"> • Pet Licenses and Commercial Breeder Permits have been separated. <ul style="list-style-type: none"> ○ Sec. 5-2 License for dogs and cats; rabies vaccination tags ○ Sec. 5-3 Permit for commercial pet breeding
<ul style="list-style-type: none"> • Sec. 5-4 Community Cat Diversion Program 	<ul style="list-style-type: none"> • Removed
<ul style="list-style-type: none"> • Sec. 5-5 Running at large - restraint 	<ul style="list-style-type: none"> • Sec. 5-5 Running at large <ul style="list-style-type: none"> ○ Addition of (c)
<ul style="list-style-type: none"> • Sec. 5-6 Removal of excrement 	<ul style="list-style-type: none"> • Moved to Sec. 5-12
<ul style="list-style-type: none"> • Sec. 5-7 Injured or diseased animals 	<ul style="list-style-type: none"> • Moved to Sec 5-11 <ul style="list-style-type: none"> ○ Separated into (a) and (b)
<ul style="list-style-type: none"> • Sec. 5-8 Nuisance animals 	<ul style="list-style-type: none"> • Sec. 5-6 Nuisance animals <ul style="list-style-type: none"> ○ Separated (a) to (a) and (b) ○ Addition of (b)(2) – cat provision ○ Removal of (6) – Barking ○ Move (c) to (b)(9) ○ Addition of (c)
<ul style="list-style-type: none"> • Sec. 5-9 Animal care, generally 	<ul style="list-style-type: none"> • Sec. 5-4 Animal care, generally <ul style="list-style-type: none"> ○ Section has been greatly expanded
<ul style="list-style-type: none"> • Sec. 5-10 Sale of animals 	<ul style="list-style-type: none"> • Moved to Sec. 5-9
<ul style="list-style-type: none"> • Sec. 5-11 Care of animals during transport 	<ul style="list-style-type: none"> • Moved to Sec. 5-10
<ul style="list-style-type: none"> • Sec. 5-12 Seizure and right of entry to protect abandoned, neglected, or cruelly treated animals 	<ul style="list-style-type: none"> • Moved to Sec. 5-14 <ul style="list-style-type: none"> ○ Changes to (a)
<ul style="list-style-type: none"> • Sec. 5-13 Impounding; surrender 	<ul style="list-style-type: none"> • Moved to Sec. 5-15 <ul style="list-style-type: none"> ○ Condensed
<ul style="list-style-type: none"> • Sec 5-14 Redemption 	<ul style="list-style-type: none"> • Moved to Sec. 5-17 <ul style="list-style-type: none"> ○ Expanded
<ul style="list-style-type: none"> • Sec. 5-15. Adoption 	<ul style="list-style-type: none"> • Moved to Sec. 5-18 <ul style="list-style-type: none"> ○ Removed (b)
<ul style="list-style-type: none"> • Sec. 5-16 Prohibited; exception 	<ul style="list-style-type: none"> • Moved to Sec. 5-13 <ul style="list-style-type: none"> ○ Removed section (c)
<ul style="list-style-type: none"> • Sec. 5-17 Interference with animal care officers 	<ul style="list-style-type: none"> • Moved to Sec. 5-19

<ul style="list-style-type: none"> • Sec 5-18 Complainant's identification to remain confidential 	<ul style="list-style-type: none"> • Moved to Sec. 5-20
<ul style="list-style-type: none"> • Sec. 5-19 Penalties 	<ul style="list-style-type: none"> • Moved to Sec. 5-21
	<ul style="list-style-type: none"> • Addition of Sec. 5-7 Dangerous or vicious animal
	<ul style="list-style-type: none"> • Addition of Sec. 5-8 Tethering
	<ul style="list-style-type: none"> • Addition of Sec. 5-16 Civil hearing petition and hearing procedures

Richland County Council Request for Action

Subject:

Affordable Housing Ad Hoc Committee Recommendations

Notes:

- a. **Affordable Housing Definition**- The Affordable Housing Ad Hoc Committee recommended adopting the following definition of affordable housing:
“Affordable housing is a continuum of equitable, inclusive, and quality rental and homeownership opportunities for people at every income level, which is critical to creating safe, complete, and thriving communities.”
- b. **Project Scope** – The Affordable Housing Ad Hoc Committee recommended directing the Administrator to explore the opportunities for homeownership/down payment assistance and affordable rental programs.
- c. **Affordable Housing Budget** – The Affordable Housing Ad Hoc Committee recommended directing the Administrator to explore future funding options.

APPENDIX D: GLOSSARY OF KEY HOUSING TERMS

Accessory Dwelling Units (ADUs): An independent residential living unit that shares the same parcel of land as a single-family home, such as an english basement, carriage-house apartment, in-law suite or similar structure.

Affordable Housing: Housing units that are income-restricted, typically based on parameters around the area median income of a jurisdiction or region, typically referred to as public housing units.

Annual Percentage Rate (APR): A measure that represents the total amount of expected interest charged on a loan, mortgage or other debt mechanism over the course of one year, including compound interest. It takes into account the interest rate and the frequency at which it is compounded.

Appraisal Gap Financing: Appraisal gap financing provides a grant or a loan to cover the gap between appraisal and market value. It is typically used for homes that need some amount of rehabilitation.

Area Median Income (AMI): The midpoint of a specific area's income distribution and is calculated yearly by the Department of Housing and Urban Development. This calculation is used to disburse many federal, state and local programs, including Housing Choice Vouchers, and analyze home-cost burdens and affordability.

Below-Market Financing: Loans that have lower annual percentage rate yields than those available in the private market. These loans lessen the debt needed to finance a particular housing development or rehabilitation project.

Building Codes: Building codes outline minimal standards for building features such as structural integrity, mechanical integrity (water supply, light, ventilation), fire prevention and control, and energy conservation. Building codes are generally determined at the state, national, and international levels.

Building Permits: An authorization that must be granted by a government or other regulatory body before construction or renovation can legally occur.

Capital Magnet Fund: A competitive grant program designed to attract private capital to the development, preservation, rehabilitation, or purchase of affordable housing for low-income families.

Community Development Block Grant (CDBG): An annual grant from the U.S. Department of Housing and Urban Development (HUD) to states, cities, and counties to develop decent and affordable housing and expand economic opportunities for low- and moderate-income persons.

Community Land Trust: Private or non-profit organizations that own land on behalf of a community, creating affordable housing units and maintaining their affordable status in the future. The community land trust owns the land and sells the housing unit to a buyer, along with a ground lease that specifies the terms under which the home may be sold to the next purchaser. Under community land trusts, purchasers own the building and lease the land from the community land trust.

Deed Restriction: Limits how an owner can use their property. In this case, it mainly refers to the deed restrictions that place a temporary - usually a few decades - limit on the subsequent sale price and eligibility of future buyers. This aims to preserve housing units' affordability into the future.

Density: Refers to the number of housing units per land unit in a given area. Low-density housing areas are typically composed of single-family homes, whereas high-density areas encompass various housing typologies, including but not limited to multi-story buildings featuring multiple units.

Density Bonus: A policy or tax incentive allowing developers to build more units than what would normally be allowed under the zoning code, in exchange for a commitment that developers include a certain number of below-market units in the development.

Department of Housing and Urban Development: The federal agency responsible for national policy and programs that address America’s housing needs, improve and develop the Nation’s communities, and enforce fair housing laws.

Down Payment: Capital that the buyer pays upfront in a housing transaction. Down Payments typically range from as little as 3% of the purchase price to as much as 20% of the purchase price.

General Obligation Funds: Funds for affordable housing that are typically used for a large, one-time investment. These contrast with dedicated revenue sources, which provide smaller amount of funding over a longer period.

HOME Investment Partnerships Program: A grant from HUD to states and localities that communities use (often in partnership with local nonprofit groups) to fund affordable housing construction, acquisition, and/or rehabilitation. It is the largest federal block grant designed exclusively to create affordable housing for low-income households.

Housing Affordability: Access to reasonably priced, fair-quality housing; typically around 30 percent of an individual’s total monthly income. Policymakers consider households that spend more than 30 percent of income on housing costs to be housing cost burdened.

Housing Authority: A governmental body that governs aspects of housing, often providing support services for low-income residents and administering federal housing programs such as the Fair Choice Housing Voucher program.

Housing Choice Voucher Program: HUD-administered program that helps low-income individuals and families fund affordable, safe housing in the private rental market. Participants receive a voucher that pays for a portion of their rent, helping to bridge the gap between the fair market rent and what the tenant can afford.

Impact Fees: A one-time fee levied by local governments designed to offset the additional cost a housing unit has on community infrastructure.

Inclusionary Housing: Policies that create dedicated affordable housing units by requiring, encouraging or incentivizing developers to include a specified share of below-market units as part of market-rate rental or homeowner developments.

Institutional Investors: Entities such as publicly traded corporations, LLCs, LLPs, and private equity funds or real estate investment trusts (REITs) that possess housing or land as an asset. In recent years, institutional investors have represented a growing share of the single-family housing market.

Land Value Taxation: A form of taxation based on the value of the land, rather than the housing unit. Under this system, a single-family lot would be taxed the same as a multi-family lot.

Linkage Fees: A form of impact fees that link the production of market-rate housing to affordability, charged on non-residential developments such as retail stores, industrial or manufacturing facilities, and other commercial projects.

Low-Income Housing Tax Credit (LIHTC): A tax incentive for developers to construct or rehabilitate affordable rental housing for low-income households. It has supported the construction or rehabilitation of around 110,000 affordable rental units each year.

Manufactured Homes: Homes that are pre-fabricated and transported to the desired location. These homes can be built much quicker than traditional houses, making them cheaper in comparison.

NIMBY: “Not in my backyard” is a phenomenon in which residents of a neighborhood are opposed to a new development such as affordable housing, believing that it will change their community for the worse.

Missing Middle: Range of housing typologies focusing on form and scale that fit between single-family detached homes and mid-to-high-rise apartment buildings. Some examples include townhomes, duplexes, and triplexes.

Real Estate Transfer Tax: A one-time tax or fee imposed by a state or local jurisdiction on the transfer (sale or purchase) of real estate property. The cost of this tax is based on the price of the property transferred to the new owner. Exact laws regarding these taxes vary by locality, in some areas the seller is responsible for payment while others may not even charge transfer taxes.

Rent Control: Laws limiting how much landlords can charge for rent to keep the property affordable.

Rent Stabilization: An evolution of rent control, rent stabilization regulates the rate at which rent levels can increase.

Setback Requirements: The required distance that a housing unit must be from the front, sides, and back of the property line.

Short-Term Rentals (STRs): A living space that is not intended for long-term occupancy, such as an Airbnb or Vrbo.

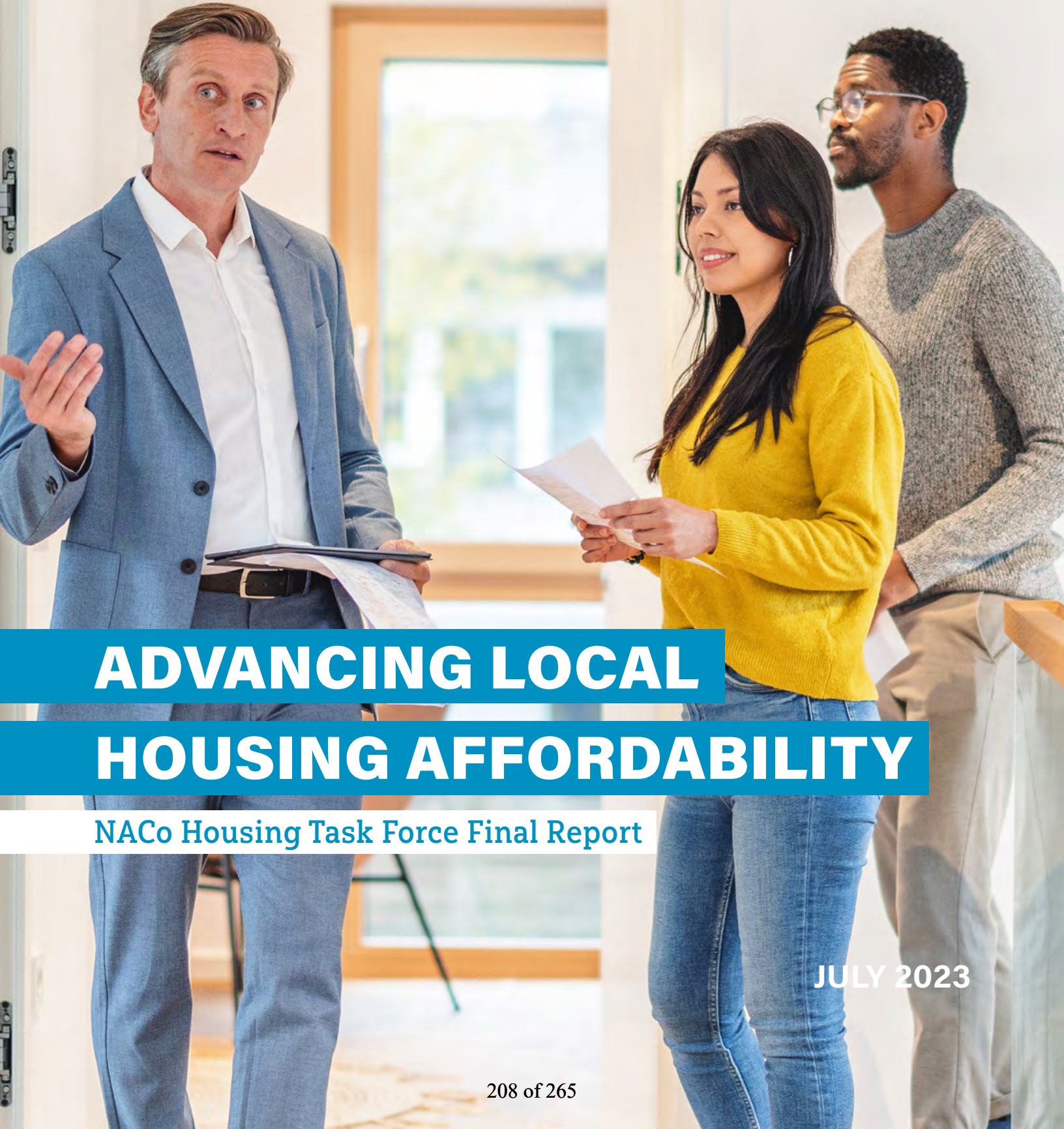
Split-Rate Taxation: Similar to land value taxation, this taxation system taxes both land and housing unit, but taxes land at a higher rate than the housing unit that is built on it.

Transit Oriented Development: Transit Oriented Development is a growing trend in creating vibrant, livable, sustainable communities. The trend aims to develop walkable, mixed-use communities around high quality public transit systems in hopes of eliminating car dependence and the various costs that arise from it.

Workforce Housing: Housing affordable to households earning between 60 and 120 percent of the area median income (AMI). This type of housing mainly targets middle-income workers such as police officers, teachers, healthcare workers, and similar professions.

YIMBY: “Yes in my backyard” is the opposite of NIMBY. The YIMBY movement is a pro-housing movement that supports increasing the supply of housing and the creation of zoning ordinances that would allow denser housing to be produced.





ADVANCING LOCAL HOUSING AFFORDABILITY

NACo Housing Task Force Final Report

JULY 2023

“Counties are on the front lines of responding to the housing crisis. Stable, quality housing is the foundation for better health, safety, education, a strong workforce, improved financial wellness, and lower demands on the social safety net. [Counties are] committed to meeting the moment and addressing our residents’ housing needs.”

*NACo President Denise Winfrey,
Will County, Illinois, Commissioner*

THE NEED FOR ACCESS TO MODERATELY-PRICED, FAIR-QUALITY HOUSING IN ALL COUNTIES

For a growing number of Americans, the cost of housing is crowding out the rest of their household budget. That's forcing many families into precarious living situations that affect their safety, their health, the length of their commutes and their chance to build generational wealth or to contribute to a vibrant community where they feel like they have a stake.

In 18 percent of counties, households spend more than 3.5 times their annual income to afford a typical home. Nearly a quarter (23 percent) of households that occupy rental units are severely cost-burdened, spending more than half of their annual income on rent. There is a shortage of more than 3.8 million homes across the country, according to Freddie Mac, and it will take more than 20 years to close the housing unit gap despite the recent acceleration in development, according to the National Association of Realtors.

These statistics lend context to a problem counties know all too well: housing affordability is increasingly out of reach for residents. In Valley County, Idaho, a small resort community outside of Boise, the median home price is \$650,000, while the median household income is only \$75,000 – primarily driven by the influx of wealthy households. First responders, service-sector and healthcare workers, teachers and other community members face the choice of commuting several hours or living in homes not intended for long-term habitation like Recreational Vehicles (RVs). For children from the community, there is virtually no path that leads to living in the county where they've grown up.

Across the country in Franklin County, Ohio, the bustling home to the capital city of Columbus, four out of every ten renters are cost-burdened, spending more than 30 percent of their annual income on housing. The lingering impacts of decades of unjust housing policies like redlining, access to financial institutions and affordable financing still cloud the pathways to homeownership for many black and brown residents.

Stories like these are not the exception but a commonality across many counties in this country. Housing fulfills the basic human need for shelter and is the foundation for better health, consistent education, a stronger workforce, improved

financial wellness, and lowered demand for the public sector safety net.

Housing experts, policymakers and data illuminate three persistent barriers for access to housing: affordability, supply and quality. In November 2022, NACo President Denise Winfrey launched a national task force of county officials to study housing affordability, charged with two goals: identify county-led policy, practice and partnership solutions to addressing America's housing affordability crisis, and explore intergovernmental partnership opportunities that support housing solutions between federal, state and local officials, along with private, nonprofit and other community organizations.

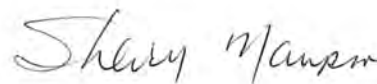
Housing policy is a highly complex, multi-layered topic requiring bipartisan partnerships, dialogue and coordination across all levels of government, private and nonprofit organizations and the community. It is not a partisan issue but one impacting residents of all political, demographic, geographic and socioeconomic stripes.

Since late 2022, the task force met with experts and policymakers, studied data and trends, and analyzed county authorities and strategies to foster housing affordability. While there is no simple solution to housing affordability, counties can work within our policy, financial, convening, educational and administrative levers to be a part of the effort to generate and preserve housing so our neighbors, communities and the next generation can have a better future.



HON. KEVIN BOYCE

Commissioner, Franklin County, Ohio
NACo Housing Task Force Co-Chair



HON. SHERRY MAUPIN

Commissioner, Valley County, Idaho
NACo Housing Task Force Co-Chair

THE PERFECT STORM FOR A HOUSING AFFORDABILITY CRISIS

Many colliding factors contribute to the current housing affordability crisis.

Housing costs have been steadily rising, often outpacing inflation or wage growth. Roughly half (46 percent) of renters and over one in three homeowners (35.1 percent) were cost-burdened in 2021, including 23 percent of renters and 9 percent of homeowners who spent at least half of their household income on housing throughout the year.¹ Compounding these burdens, the median price of a home surged by more than \$107,000 between Q1 2020 and Q1 2023.² Furthermore, rents have increased by 16 percent between January 2020 and March 2023, with additional rent increases expected in the coming months.³ With wages increases struggling to keep pace for many in the workforce over the last several decades, the increase in the costs of housing are straining renters and homeowners alike.

Not only are Americans facing higher housing costs, but the stock available for renting or owning is also increasingly limited and, too often, in disrepair. The number of active housing listings in June 2023 was at one of the lowest levels since 2016 and 34 percent lower than the number of listings in February 2020.⁴ Moreover, the number of available rental units has been cut nearly in half over the past decade (10 percent in 2010 vs. 5.2 percent at the end of 2021 vacancy rates).⁵

For the available homes, the Philadelphia Federal Reserve concluded roughly one-third had significant non-cosmetic deficiencies in 2022, conveying an estimated price tag of \$149.3 billion for repairs.⁶ Increased repair costs are, in part, a byproduct of older housing stock. The Median age of homes increased to 43 years old in 2021.⁷ Plus, soaring construction costs (materials and labor) during the pandemic exacerbated the challenge.⁸

As the population demographics continue to shift, approximately 40 percent of housing stock lacks accessibility like an entry-level bedroom and bathroom necessary to serve older generations and those with reduced mobility issues.⁹ Moreover, the increasing frequency of natural disasters significantly threatens the existing housing stock. Throughout 2022, there were 18 unique billion-dollar natural disasters; when combined with the past seven years, the total price tag exceeds \$1 trillion, constituting more than one-third of the entire disaster cost over the past 42 years.¹⁰

Though housing has been a critical discussion point in the body politic for decades, the problem has grown in scope. During the pandemic, a sample of landlords reporting collection rates above 90 percent fell from 89 percent in 2019 to 62 percent in 2020.¹¹ Those experiencing particular hardship during the pandemic tended to be low-income or of Hispanic origin.¹² Additionally, as flexible work options become more mainstream anecdotes of individuals seeking a different environment to work from – in a lower cost-of-living area – have skyrocketed and, in some cases, are pricing locals out of their home communities.¹³



HOUSING AFFORDABILITY IS A COMPLEX ISSUE REQUIRING STRONG PARTNERSHIPS, DIALOGUE AND COORDINATION

Counties face significant headwinds when it comes to housing affordability. Across federal, state, local, private and community sectors, authority and responsibility to impact housing affordability varies. All of these intersections weave a complex system to navigate. As such, it is critical for counties to engage in dialogue and coordination to build strong relationships with the stakeholders impacting housing. Below is a sample of the continuum of factors impacting housing supply and affordability.

GLOBAL AND NATIONAL



- Housing materials supply chains
- Housing investments and programs
- Monetary policy and interest rates
- Tax policy and housing laws
- Labor laws

STATE GOVERNMENTS



- Tax policies and incentives
- Disaster mitigation
- Building codes & local housing law preemption
- Land use and zoning framework

SUB-STATE REGIONAL AND LOCAL GOVERNMENTS



- Tax policies and incentives – particularly county property taxes
- Local building codes, ordinances and land use
- Programs, investments and services in housing, workforce, infrastructure and transportation
- Disaster and emergency preparedness and mitigation

PRIVATE MARKETS



- Global and national investors, lenders and insurers
- Technology disrupters such as shared service providers
- Housing developers and financial institutions
- Rental markets and landlord practices
- Skilled labor shortages and wages

COMMUNITY MEMBERS AND PUBLIC INTERESTS



- Historically designated areas
- Community land use interests
- Nonprofit and community-based organizations delivering housing services
- Neighborhood associations, community groups and local advocates

“Government is not the solution for local housing issues but needs to be a part of the conversations surrounding how we can and should find common goals and solutions for a growing problem.”

*NACo Housing Task Force Co-Chair Sherry
Maupin, Valley County, Idaho, Commissioner*

THE COUNTY HOUSING ECOSYSTEM

Housing spans a wide range of touchpoints in many counties. Though county authorities vary, each county can play a role in the solution. There are five key areas in which counties may possess the authority to foster housing affordability.



COMMUNITY ENGAGEMENT, PARTNERSHIPS AND EDUCATION

Much of the work required to increase housing stock depends on engagement with the community. Not only can counties partner with other governments, private sector officials and community organizations to advance housing, but local leaders can also serve as an educational body to inform residents.



FEDERAL-COUNTY INTERGOVERNMENTAL NEXUS

Federal funding – such as the U.S. Department of Housing and Urban Development (HUD) – is often used by counties to administer housing programs, build infrastructure that supports new development and provide assistance for low-income residents.



FINANCE, LENDING AND COUNTY TAX POLICY

Property taxes are the primary driver of most county finances and can play a significant role in the use of land. Additionally, some counties work with financial institutions or leverage federal programs to provide direct support to individuals or incentives for new developments, homeownership and other housing programs.



REGULATION, CODES AND ASSOCIATED FEES

Developing a property for housing requires following a set of codes and regulations to ensure safety. Counties often issue permits and conduct code enforcement, and some developments require studies or carry other special fees associated with construction.



LAND USE, ZONING, INFRASTRUCTURE AND COMMUNITY PLANNING

Zoning is important to designate how a parcel of land is used within a community, and a community land use plan seeks to properly map out the land within a county jurisdiction. Further, to build housing requires infrastructure like roads, utilities and broadband, some of which counties build, maintain, regulate or otherwise support.



NACo HOUSING TASK FORCE: ABBREVIATED BEST PRACTICES AND POLICY RECOMMENDATIONS

Housing affordability is complex, multifaceted and interdependent. So too are county authorities and resources on local housing policy, financing and regulation. Because of the varied authorities, each county’s approach to addressing the challenge is different. Recognizing the acute need for housing affordability, the county housing ecosystem and associated recommendations seek to provide local leaders an opportunity for best practices and policy that reflects the diverse tools of county governments.

It is also important to recognize that each policy or ecosystem pillar does not exist independently, but are pieces of a whole. The land use and zoning plans in a community ultimately impact the county tax base and services; the partnerships established within a community can inform state and federal advocacy

efforts; use of federal funds can reflect financing of new developments; and local regulations can have significant implications on community engagement. Recognizing this interconnection is important to understanding the levers and opportunities available to counties to foster affordability and quality.

Regardless of the county approach, the process of creating solutions for housing affordability at the local level is often slow, contentious and grueling. This recommendation framework does not intend to provide a prescriptive implementation guide. Rather, this document provides a broad set of tools and examples county leaders may use to develop a local housing action plan that reflects each community’s unique needs, values and priorities and considers the varied relationships and resources available.



Check out the NACo Housing Task Force’s county solutions for housing affordability.

1. Land Use, Zoning, Infrastructure And Community Planning

a. Evaluate Current Zoning Plans and Practices	b. Identify Potential Infrastructure Barriers to New Development	c. Understand the Inventory of Additional Land	d. Develop a Long-Term Housing and Land Use Plan	e. Assess Existing Housing Stock for Potential Opportunities
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2. Local Regulation, Permitting And Fees

a. Evaluate County Permitting and Inspections to Improve Processes and Workflow	b. Provide Pre-Approved Templates for Common Housing Designs	c. Conduct a Cost-Benefit Analysis for County Impact, Development, and General Fee Pricing	d. Analyze Local Regulations Impact on Affordability	e. Make County Systems Consistent, Convenient, and Easier to Navigate
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3. Federal-County Intergovernmental Nexus

a. Invest Additional Federal Resources to Support Housing	b. Engage in NACo Policy Resolution Process to Advocate for Counties	c. Educate Federal and State Partners on Local Housing Needs and Simplify Programs and Compliance	d. Seek Additional Funding Opportunities as Resources Allow	e. Combine Resources for Maximum Impact
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4. Community Engagement, Partnerships And Education

a. Collaborate with Intergovernmental Partners	b. Establish an Office or Department to Streamline Housing Projects	c. Foster a Healthy Dialogue with Community Organizations	d. Conduct a Robust Outreach and Education Initiative	e. Measure Success and Clearly Communicate Milestones
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5. Finance, Lending And County Tax Policy

a. Identify Opportunities for Tax Incentives or Policy Updates	b. Analyze the County Assessment Process	c. Administer Supportive Programs That Prioritize Underserved Communities	d. Partner with Local Organizations to Provide Innovative Financing Mechanisms for New Development	e. Source New Revenue Streams for County Housing Priorities
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NACo HOUSING TASK FORCE PROCESS

In November 2022, NACo President Denise Winfrey launched the Housing Task Force, a group of 33 elected and professional county housing experts. President Winfrey charged the task force with two goals: to elevate county-led solutions to address the housing affordability crisis confronting America's counties and identify intergovernmental opportunities for partnership on housing issues.

The task force work began in earnest in November 2022, with an in-person convening to explore the county's role in housing. Led by co-chairs Sherry Maupin and Kevin Boyce, Commissioners from Valley County, Idaho and Franklin County, Ohio, respectively, task force members engaged in discussion with experts from the Harvard Joint Center for Housing, the U.S. Department of Housing and Urban Development, and the Aspen Institute – the task force partner – on county authority, challenges and solutions to housing affordability.

Five core focus areas emerged from these conversations to form the County Housing Ecosystem.

1. The federal-county intergovernmental nexus
2. Local regulations, codes and fees
3. Finance, lending and county tax policy
4. Land use, zoning, infrastructure and community planning
5. Community engagement, partnerships and education

Meeting again in February 2023 during the NACo Legislative Conference in Washington, D.C., the task force explored these areas with in-depth conversations on homeownership, rental housing and technology solutions. The task force also participated

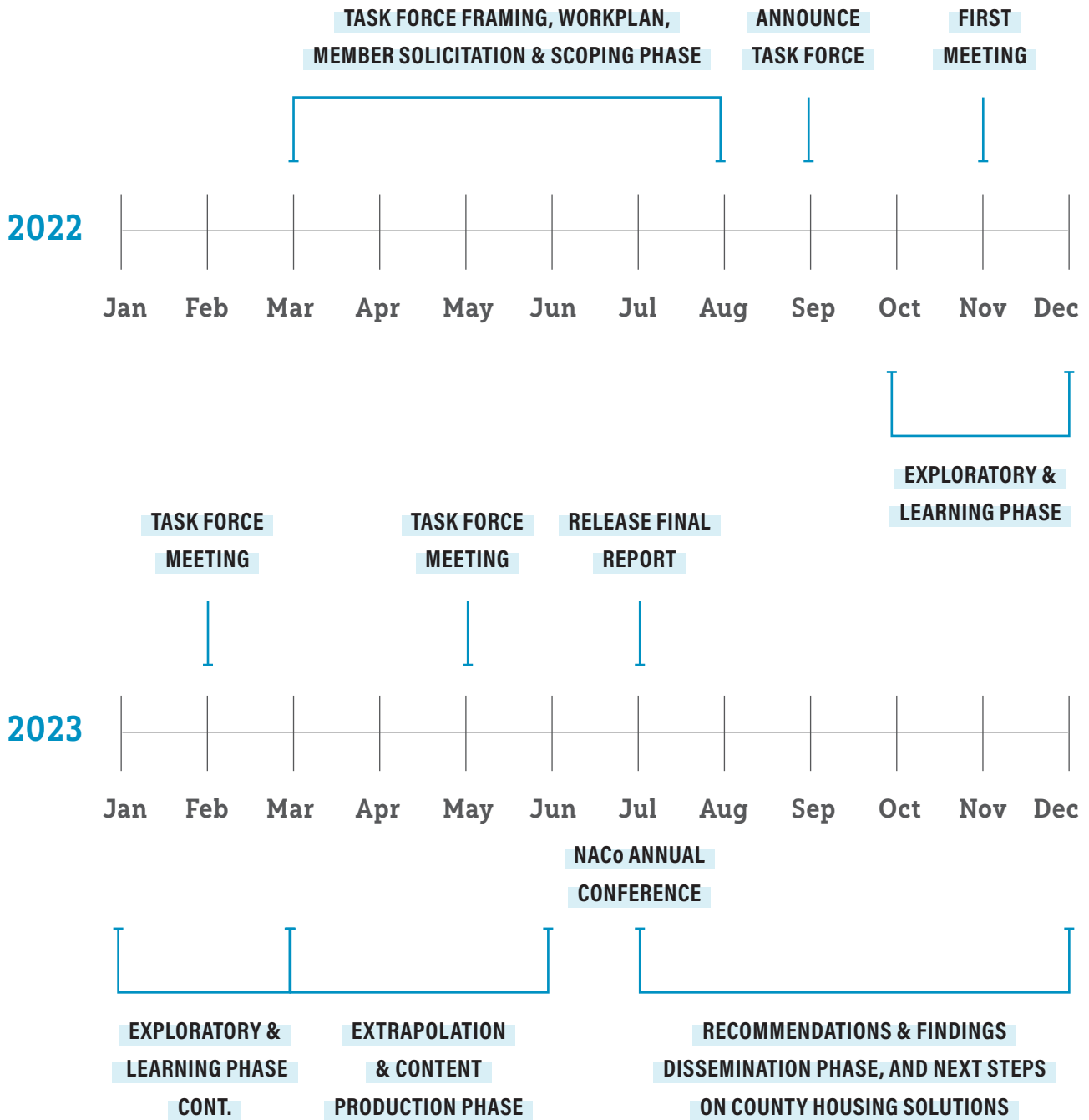
in an open discussion with White House senior leadership on the federal-to-county nexus and areas for intergovernmental collaboration.

Over the following months, the task force met virtually with experts from around the country to discuss the financial, administrative and policy levers counties can employ to affect change. During the final in-person meeting in May 2023 in Dallas County, Texas, task force members explored some of these solutions in action.

From the task force work, a recommendation guide for local leaders seeking to advance housing affordability has been born. The framework is not a silver bullet solution, and housing affordability does not come to fruition overnight. However, the framework provides a guide – a point of origin – for leaders seeking change, wherever they may be starting the housing affordability journey. Though county authority on housing is complex and varied, the task force guide aims to be another tool in the county toolbox from which local leaders can draw ideas, inspiration, projects and solutions that can be tailored to fit the unique needs of each community.

Though the work of counties on advancing housing affordability is not done, the release of the recommendation framework marks a milestone in the county effort to build strong communities and ensure equitable access to safe, quality and reasonably priced housing for every resident in every county across the country.

NACo HOUSING TASK FORCE TIMELINE



“Our nation is facing a perfect storm of factors that contribute to the housing crisis. We are focused on addressing challenges and expanding opportunities for our residents to achieve the American dream of housing security.”

NACo Housing Task Force Co-Chair Kevin Boyce, Franklin County, Ohio, Commissioner

APPENDIX A: ACKNOWLEDGEMENTS

Recommendations in the Advancing Local Housing Affordability document were developed by members of NACo's task force on housing affordability; recommendations may not necessarily reflect individual task force members' views. NACo thanks the task force members – particularly co-chairs Commissioner Kevin Boyce of Franklin County and Commissioner Sherry Maupin of Valley County – for their tireless dedication to advocating for local solutions to housing affordability.

NACo's task force on housing affordability was generously funded in part by the Aspen Institute Financial Security Program (Aspen FSP). Any findings, recommendations or anecdotes reflected in the report do not necessarily reflect the views of Aspen FSP.

This report was compiled by Kevin Shrawder, NACo's Senior Analyst for Economics and Government Studies, with support from Jesse Priddy, NACo's Housing Policy Fellow. They would like to thank NACo colleagues including Mike Matthews, Legislative Director for Community, Economic and Workforce Development; Julia Cortina, Legislative Associate; Jonathan Harris, Associate Director, Research; Ricardo Aguilar, Associate Director, Data Analytics; and Stacy Nakintu, Sr. Analyst for Research and Data Analytics for their contributions to the task force work.



APPENDIX B: TASK FORCE MEMBERS

Launched in November 2022, the NACo Housing Task Force convened county government officials nationwide to illuminate the most critical housing challenges and opportunities from the county government perspective.

TASK FORCE MEMBERS REPRESENT COUNTIES ACROSS THE COUNTRY

Hon. Monique Baker McCormick

Commissioner
Wayne County, Mich.

Hon. Rod Beck

Commissioner
Ada County, Idaho

Hon. Mack Bernard

Commissioner
Palm Beach County, Fla.

Hon. Kevin Boyce*

Commissioner
Franklin County, Ohio

Hon. Matt Calabria

Commissioner
Wake County, N.C.

Hon. Reuben Collins

Commissioner President
Charles County, Md.

Brantley Day

Community Development
Director
Cherokee County, Ga.

Hon. Richard Desmond

Supervisor
Sacramento County, Calif.

David Dunn

Executive Director, Housing
Redevelopment Authority
Olmsted County, Minn.

Hon. Richard Elsner

Commissioner
Park County, Colo.

Hon. Bill Gravel

Judge
Williamson County, Texas

Hon. George Hartwick

Commissioner
Dauphin County, Pa.

Hon. Carlotta Harrell

Chair of the Board of
Commissioners
Henry County, Ga.

Hon. Deb Hays

Commissioner
New Hanover County, N.C.

Terry Hickey

Director of Housing and
Community Development
Baltimore County, Md.

Hon. Eileen Higgins

Commissioner
Miami-Dade County, Fla.

Hon. Ann Howard

Commissioner
Travis County, Texas

Hon. Alicia Hughes-Skandjis

Assembly Member
City and Borough of Juneau,
Alaska

Mary Keating

Director of Community
Services
DuPage County, Ill.

Hon. Marilyn Kirkpatrick

Commissioner
Clark County, Nev.

Graham Knaus

Executive Director
California State Association of
Counties

Hon. Jennifer Kreitz

Supervisor
Mono County, Calif.

Hon. Sherry Maupin*

Commissioner
Valley County, Idaho

Hon. Barry Moehring

Judge
Benton County, Ark.

Hon. Ken Hughes

Supervisor
Essex County, N.Y.

Hon. Larry Nelson

Supervisor
Waukesha County, Wis.

April Norton

Housing Director
Teton County, Wyo.

Patrick Alesandrini

Chief Information Officer
Hillsborough County, Fla.

Hon. Renee Robinson-Flowers

Commissioner
Pinellas County, Fla.

Hon. Josh Schoemann

County Executive
Washington County, Wis.

Hon. Lisa Schuette

Supervisor
Carson City, Nev.

Hon. Bill Truex

Commissioner
Charlotte County, Fla.

Hon. Nora Vargas

Supervisor
San Diego County, Calif.

* NACo Housing Task Force Co-Chair

APPENDIX C: SUBJECT MATTER EXPERTS

Throughout the work of the task force, several experts from across state, federal, local, private and nonprofit partners provided knowledge and insights on local housing policy. The following is a non-exhaustive list of the housing experts that engaged with, advised or otherwise were involved in task force activities.

Intergovernmental Partners

The White House

Dan Hornung, Special Assistant to the President
<https://www.whitehouse.gov/>

U.S. Department of Housing and Urban Development

Sarah Brundage, Senior Advisor for Housing Supply and Infrastructure
<https://www.hud.gov/>

Federal Reserve Bank of Minneapolis

Alene Tchourmoff, Senior Vice President for Community Development and Engagement
<https://www.minneapolisfed.org/>

Dallas County

Jonathan Bazan, Assistant County Manager
Elizabeth Allen, Assistant Director of Planning & Dev.
<https://www.dallascounty.org/>

City of Dallas

Lawrence Agu, Chief Planner
<https://dallascityhall.com/>

Private Industry

Builders of Hope Community Development

Corporation - Dallas

James Armstrong III, President & CEO
<https://www.bohcdc.com/>

Catholic Housing Initiative - Dallas

Shannon Ortleb, COO
<https://www.chidallas.org/>

International Business Machines (IBM)

Ken Wolsey, Partner for Health and Human Services
Dan Chenok, Executive Director, Center for The Business of Government
<https://businessofgovernment.org/>

National Association of Home Builders

Karl Eckhart, Vice President, Intergovernmental Affairs
<https://www.nahb.org/>

Key Banc Capital Markets

Sam Adams, Managing Director
<https://www.key.com/businesses-institutions/industry-expertise/keybank-capital-markets.html>

National Housing Policy Experts

American Enterprise Institute (AEI)

Howard Husock, Senior Fellow for Domestic Policy Studies
<https://www.aei.org/>

Aspen Institute

Tim Shaw, Policy Director
Katherine McKay, Associate Director
<https://www.aspeninstitute.org/>

Brookings Metro

Jenny Scheutz, Senior Fellow
<https://www.brookings.edu/program/brookings-metro/>

Harvard Joint Center for Housing

Dr. Chris Hebert, Managing Director
<https://www.jchs.harvard.edu/>

Niskanen Center

Alex Armlovich, Senior Housing Policy Analyst
Andrew Justus, Housing Policy Analyst
<https://www.niskanencenter.org/>

The Turner Center for Housing Innovation

Ben Metcalf, Managing Director
<https://turnercenter.berkeley.edu/>

The Urban Institute

Yonah Freemark, Research Associate
Madeline Brown, Senior Policy Associate
<https://www.urban.org/>

APPENDIX D: GLOSSARY OF KEY HOUSING TERMS

Accessory Dwelling Units (ADUs): An independent residential living unit that shares the same parcel of land as a single-family home, such as an english basement, carriage-house apartment, in-law suite or similar structure.

Affordable Housing: Housing units that are income-restricted, typically based on parameters around the area median income of a jurisdiction or region, typically referred to as public housing units.

Annual Percentage Rate (APR): A measure that represents the total amount of expected interest charged on a loan, mortgage or other debt mechanism over the course of one year, including compound interest. It takes into account the interest rate and the frequency at which it is compounded.

Appraisal Gap Financing: Appraisal gap financing provides a grant or a loan to cover the gap between appraisal and market value. It is typically used for homes that need some amount of rehabilitation.

Area Median Income (AMI): The midpoint of a specific area's income distribution and is calculated yearly by the Department of Housing and Urban Development. This calculation is used to disburse many federal, state and local programs, including Housing Choice Vouchers, and analyze home-cost burdens and affordability.

Below-Market Financing: Loans that have lower annual percentage rate yields than those available in the private market. These loans lessen the debt needed to finance a particular housing development or rehabilitation project.

Building Codes: Building codes outline minimal standards for building features such as structural integrity, mechanical integrity (water supply, light, ventilation), fire prevention and control, and energy conservation. Building codes are generally determined at the state, national, and international levels.

Building Permits: An authorization that must be granted by a government or other regulatory body before construction or renovation can legally occur.

Capital Magnet Fund: A competitive grant program designed to attract private capital to the development, preservation, rehabilitation, or purchase of affordable housing for low-income families.

Community Development Block Grant (CDBG): An annual grant from the U.S. Department of Housing and Urban Development (HUD) to states, cities, and counties to develop decent and affordable housing and expand economic opportunities for low- and moderate-income persons.

Community Land Trust: Private or non-profit organizations that own land on behalf of a community, creating affordable housing units and maintaining their affordable status in the future. The community land trust owns the land and sells the housing unit to a buyer, along with a ground lease that specifies the terms under which the home may be sold to the next purchaser. Under community land trusts, purchasers own the building and lease the land from the community land trust.

Deed Restriction: Limits how an owner can use their property. In this case, it mainly refers to the deed restrictions that place a temporary - usually a few decades - limit on the subsequent sale price and eligibility of future buyers. This aims to preserve housing units' affordability into the future.

Density: Refers to the number of housing units per land unit in a given area. Low-density housing areas are typically composed of single-family homes, whereas high-density areas encompass various housing typologies, including but not limited to multi-story buildings featuring multiple units.

Density Bonus: A policy or tax incentive allowing developers to build more units than what would normally be allowed under the zoning code, in exchange for a commitment that developers include a certain number of below-market units in the development.

Department of Housing and Urban Development: The federal agency responsible for national policy and programs that address America's housing needs, improve and develop the Nation's communities, and enforce fair housing laws.

Down Payment: Capital that the buyer pays upfront in a housing transaction. Down Payments typically range from as little as 3% of the purchase price to as much as 20% of the purchase price.

General Obligation Funds: Funds for affordable housing that are typically used for a large, one-time investment. These contrast with dedicated revenue sources, which provide smaller amount of funding over a longer period.

HOME Investment Partnerships Program: A grant from HUD to states and localities that communities use (often in partnership with local nonprofit groups) to fund affordable housing construction, acquisition, and/or rehabilitation. It is the largest federal block grant designed exclusively to create affordable housing for low-income households.

Housing Affordability: Access to reasonably priced, fair-quality housing; typically around 30 percent of an individual's total monthly income. Policymakers consider households that spend more than 30 percent of income on housing costs to be housing cost burdened.

Housing Authority: A governmental body that governs aspects of housing, often providing support services for low-income residents and administering federal housing programs such as the Fair Choice Housing Voucher program.

Housing Choice Voucher Program: HUD-administered program that helps low-income individuals and families fund affordable, safe housing in the private rental market. Participants receive a voucher that pays for a portion of their rent, helping to bridge the gap between the fair market rent and what the tenant can afford.

Impact Fees: A one-time fee levied by local governments designed to offset the additional cost a housing unit has on community infrastructure.

Inclusionary Housing: Policies that create dedicated affordable housing units by requiring, encouraging or incentivizing developers to include a specified share of below-market units as part of market-rate rental or homeowner developments.

Institutional Investors: Entities such as publicly traded corporations, LLCs, LLPs, and private equity funds or real estate investment trusts (REITs) that possess housing or land as an asset. In recent years, institutional investors have represented a growing share of the single-family housing market.

Land Value Taxation: A form of taxation based on the value of the land, rather than the housing unit. Under this system, a single-family lot would be taxed the same as a multi-family lot.

Linkage Fees: A form of impact fees that link the production of market-rate housing to affordability, charged on non-residential developments such as retail stores, industrial or manufacturing facilities, and other commercial projects.

Low-Income Housing Tax Credit (LIHTC): A tax incentive for developers to construct or rehabilitate affordable rental housing for low-income households. It has supported the construction or rehabilitation of around 110,000 affordable rental units each year.

Manufactured Homes: Homes that are pre-fabricated and transported to the desired location. These homes can be built much quicker than traditional houses, making them cheaper in comparison.

NIMBY: "Not in my backyard" is a phenomenon in which residents of a neighborhood are opposed to a new development such as affordable housing, believing that it will change their community for the worse.

Missing Middle: Range of housing typologies focusing on form and scale that fit between single-family detached homes and mid-to-high-rise apartment buildings. Some examples include townhomes, duplexes, and triplexes.

Real Estate Transfer Tax: A one-time tax or fee imposed by a state or local jurisdiction on the transfer (sale or purchase) of real estate property. The cost of this tax is based on the price of the property transferred to the new owner. Exact laws regarding these taxes vary by locality, in some areas the seller is responsible for payment while others may not even charge transfer taxes.

Rent Control: Laws limiting how much landlords can charge for rent to keep the property affordable.

Rent Stabilization: An evolution of rent control, rent stabilization regulates the rate at which rent levels can increase.

Setback Requirements: The required distance that a housing unit must be from the front, sides, and back of the property line.

Short-Term Rentals (STRs): A living space that is not intended for long-term occupancy, such as an Airbnb or Vrbo.

Split-Rate Taxation: Similar to land value taxation, this taxation system taxes both land and housing unit, but taxes land at a higher rate than the housing unit that is built on it.

Transit Oriented Development: Transit Oriented Development is a growing trend in creating vibrant, livable, sustainable communities. The trend aims to develop walkable, mixed-use communities around high quality public transit systems in hopes of eliminating car dependence and the various costs that arise from it.

Workforce Housing: Housing affordable to households earning between 60 and 120 percent of the area median income (AMI). This type of housing mainly targets middle-income workers such as police officers, teachers, healthcare workers, and similar professions.

YIMBY: “Yes in my backyard” is the opposite of NIMBY. The YIMBY movement is a pro-housing movement that supports increasing the supply of housing and the creation of zoning ordinances that would allow denser housing to be produced.



APPENDIX E: ENDNOTES

1. NACo Analysis of U.S. Census Bureau - American Community Survey (ACS) 5-year estimates, 2017-2021 (Tables B25091 and B25070).
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NACo CONTACT

Kevin Shrawder





Sr. Analyst, Economics & Government Studies

National Association of Counties

kshrawder@naco.org



660 North Capitol Street, N.W.
Suite 400 • Washington, D.C. 20001
202.393.6226 • www.NACo.org

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Affordable Housing

Toolkit for Counties



Introduction

Counties of all sizes and in all regions of the country are struggling with housing affordability. In 2016, over one-third of all American households (34 percent) were burdened by housing costs, in that they spent more than 30 percent of their income on housing.¹ This challenge is most pronounced in large counties, where 34 percent of homeowners with mortgages and 53 percent of renters were burdened by housing costs in 2016.² That said, medium-sized and small counties are also struggling with housing cost burdens: half of renters in medium-sized counties, 46 percent of renters in small counties and 28 percent of homeowners with mortgages in both categories had housing costs that exceeded 30 percent of their household income.³

Although housing affordability affects counties of all sizes in every region of the U.S.,⁴ each county is unique, facing its own set of obstacles and equipped with its own set of tools to navigate these obstacles. This toolkit, therefore, outlines the role of counties in addressing housing affordability, the extent of the problem and a variety of county-level solutions in four major categories: (1) inter-jurisdictional partnerships; (2) funding and financing solutions; (3) planning and zoning strategies; and (4) federal resources. Finally, the toolkit includes an appendix, which discusses common housing metrics, reviewing their characteristics and limitations. This toolkit summarizes and builds on research conducted by the NACo Counties Futures Lab throughout 2018.

Affordability Measures

Residents that spend more than **30%** of their household income on housing costs alone are cost-burdened.



Residents that spend more than **45%** of their household income on housing and transportation costs combined are cost-burdened.



The U.S. Department of Housing and Urban Development (HUD) categorizes households relative to the area median income (AMI) to determine whether they qualify for housing programs:

Extremely Low Income < 30% of AMI	Very Low Income < 50% of AMI	Low Income < 80% of AMI	Moderate Income 80% to 120% of AMI
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Note: For more information on measuring housing affordability, see the Appendix on page 15.

The County Role in Housing Affordability

Constituents in communities nationwide are calling on county elected officials to reduce the burdens of housing costs that force residents to relocate to more affordable neighborhoods. Although housing affordability is a shared priority across the country, available options to promote affordability vary widely between counties due to differences in jurisdiction and authority under state constitutions and statutes.

Funding Sources

State law can sometimes proscribe entities that have budgeting authority within a county; therefore, the funding streams that are available and the process for approving funding varies for counties operating in different states.⁵ Counties are controlled by state requirements regarding allowable property taxes, debt limits, bond issuance, special districts and more. For example, the State of Alabama enacted rules on timelines for county budgeting, budget creation and adoption procedures and a requirement that revenues cannot exceed expenditures.⁶

Zoning and Land Use

Counties deploy a broad range of zoning strategies to increase the housing stock as permitted under state laws.⁷ Counties also have varying degrees in authority to acquire, hold and sell public land.⁸ State laws outline planning, land use and zoning authority to provide direction to county governments on permissible types of regulations, such as mixed-use zoning, which is not allowed in every state.⁹ In Pennsylvania, county governments enjoy broad authority over planning and zoning, for state law gives county officials authority over county and public lands.¹⁰ In New York, however, county officials only have authority over county-owned properties.¹¹

Partnerships and Interlocal Agreements

Since counties do not often have the resources they need to meet the growing demand for affordable housing, many have developed interlocal agreements

with other counties, municipalities, developers and other organizations. State laws also provide guidelines for counties seeking to enter into these types of agreements.¹² For example, contracts made by Nebraska counties are under the Inter-local Cooperation Act, which stipulates that the county board may not enter into another contract if the cost of leased equipment or property exceeds one tenth of the county's total value of taxable property.¹³

County Operations

Housing affordability is increasingly impacting central county operations. Recruiting and retaining employees is more difficult for counties without affordable housing options, leading many workers to seek employment in more affordable areas.¹⁴ Engaging the community on proposed developments and programs has become increasingly important as jurisdictions weigh competing priorities in resource allocation and land use decisions.¹⁵ Finally, as the issue of housing affordability has come to the fore, access to data to help design and evaluate community-specific programs has become an imperative.

For more information on how counties are providing affordable housing for their own employees, visit www.NACo.org/AccessToHousing.

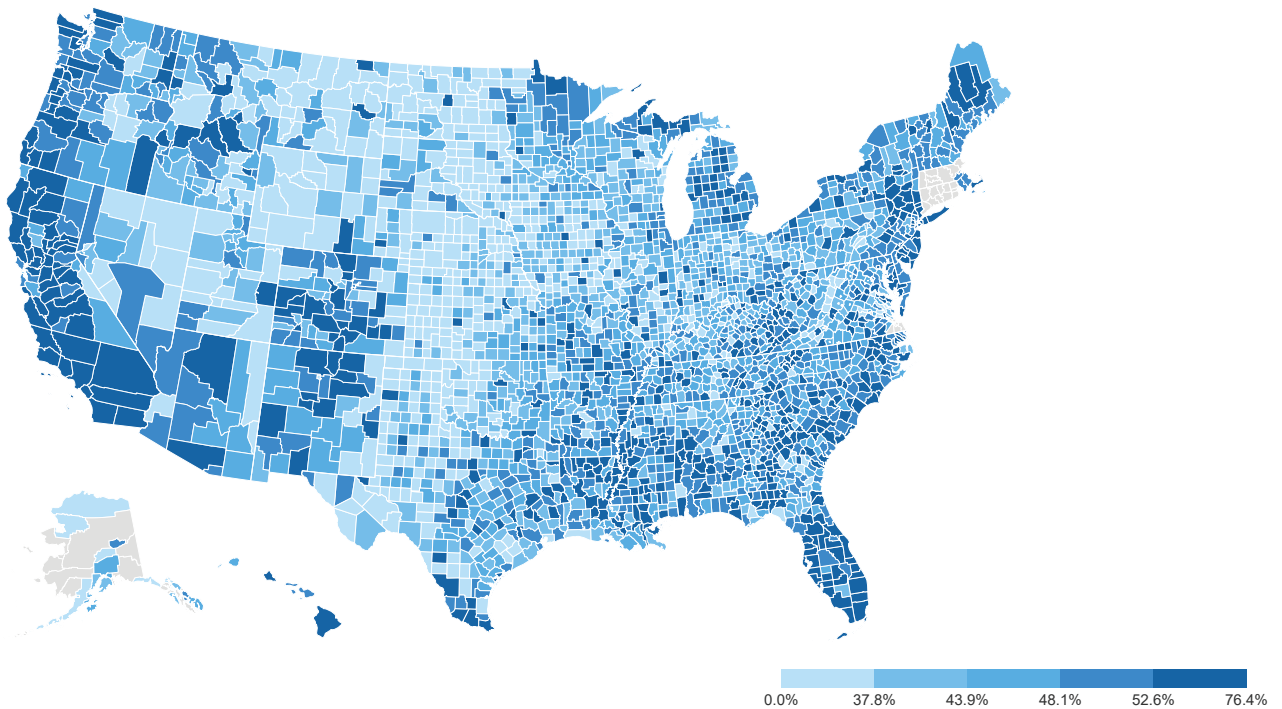
For more information on how counties can engage the community to promote housing affordability, visit www.NACo.org/HousingConnections.

Housing Affordability Across Counties

According to NACo's analysis of data from the American Community Survey, in 2016, the number of cost-burdened homeowners was lower than the number of cost-burdened renters in counties across the nation. In 2016, more than 17 million homeowners and more than 19 million renters were burdened by housing costs. This represents an increase of more than 2 million renter households and a decrease of more than 4 million owner households from 2010.¹⁶

From 2010 to 2016, the number of cost-burdened renters increased by 13 percent.

Map 1: Distribution of Housing Cost Burdens for Renters Across Counties



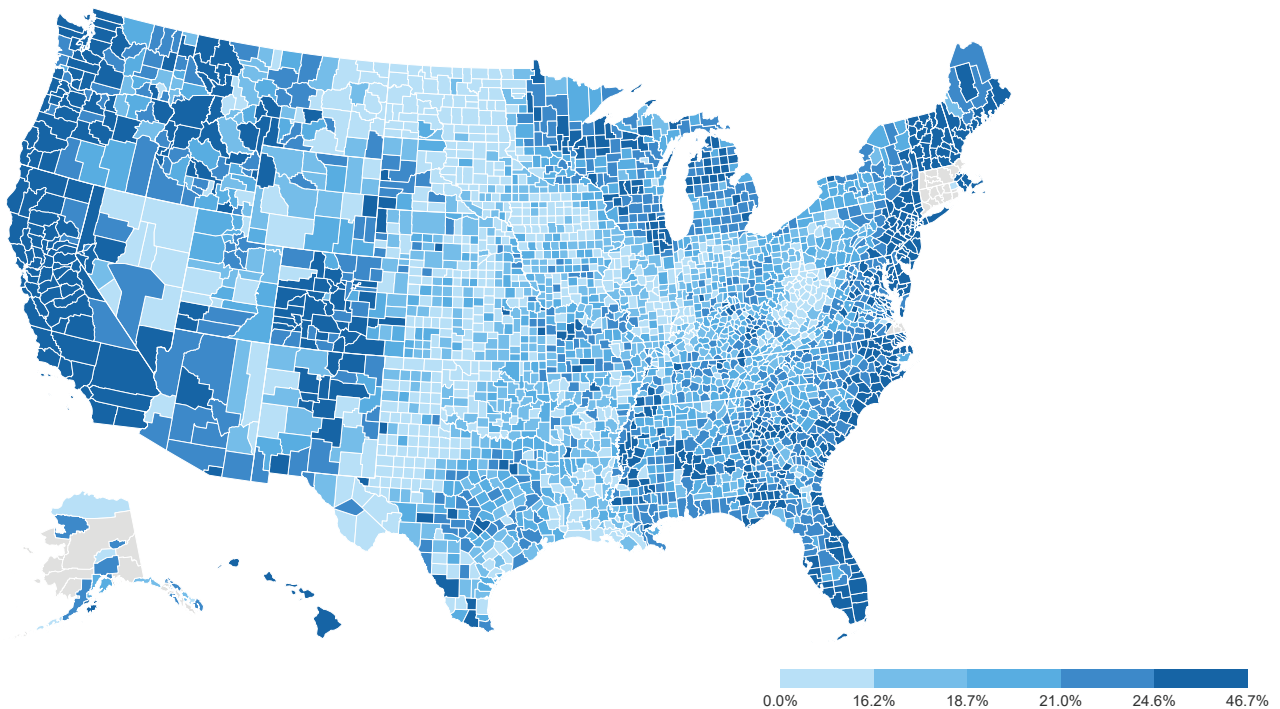
Source: NACo Analysis of U.S. Census Bureau - American Community Survey (ACS) 5 year estimates, 2012-2016 (Tables B25070).

Notes: Housing units where monthly owner costs cannot be computed have been excluded. This includes only counties with county governments. The dark grey areas in Conn., R.I., parts of Alaska, Mass. and Va. are counties or county-equivalents without county governments.

Key Findings

- There were more than 129 million housing units in counties across the nation in 2016. Eighty-eight (88) percent of these housing units were occupied (whether the units were mortgaged or rented). Homeowners made up 56 percent of households and renters made up 32 percent of households.¹⁷
- In 2016, more than half of renters—that is, 51 percent of renter households—in counties were cost-burdened. Between 2010 and 2016, the percentage of renters who were cost burdened increased by 13 percent.¹⁸
- In large counties, about 50 percent of renters were cost-burdened in 2016. That same year, in small counties and medium-sized counties, the share of cost-burdened renters were 45 percent and 46 percent respectively.¹⁹
- The highest number of cost-burdened homeowners was reported in the South (6.3 million households) followed by the West (4.5 million households). The highest share of cost-burdened renters was reported in the West (53 percent) followed by the Northeast (52 percent).²⁰
- Nationally, 10 percent of owner households – i.e., more than 7.4 million homeowners – were severely cost-burdened in 2016, meaning that they were spending more than half of their incomes on housing.²¹ The number of severely-burdened homeowners decreased by 18 percent between 2010 and 2016.²²
- Across all regions, renters were more likely to spend at least half of their incomes on housing than homeowners, as the share of severely-burdened renters in all regions was over 20 percent.²³

Map 2: Distribution of Housing Cost Burdens for Homeowners Across Counties



Source: NACo Analysis of U.S. Census Bureau - American Community Survey (ACS) 5 year estimates, 2012-2016 (Tables B25091).

Notes: Housing units where monthly owner costs cannot be computed have been excluded. This includes only counties with county governments. The dark grey areas in Conn., R.I., parts of Alaska, Mass. and Va. are counties or county-equivalents without county governments.

NACo County Explorer Housing Affordability Profiles

NACo’s County Explorer Housing Affordability Profiles are a compilation of selected indicators covering housing affordability challenges, housing cost burden trends, median household income, demographics and more for the 3,069 counties with county governments. Check out NACo’s County Explorer tool to find out more and compare your county across several indicators with other counties, your state, similarly sized counties or the median for the 3,069 counties.

For more information on how challenges with housing affordability are spreading across the nation, see NACo County Explorer’s Affordable Housing Profiles at www.NACo.org/CountyExplorer.



Solutions

Section I: Inter-Jurisdictional Partnerships

Inter-jurisdictional affordable housing programs are managed jointly between counties, cities and other governments. These programs, governed by inter-local or regional agreements, allow multiple organizations to more effectively tackle issues that expand beyond jurisdictional boundaries and authority.²⁴ Since affordable housing is often a regional issue, inter-jurisdictional programs can have a more focused and strategic approach to by enhancing coordination, sharing information and generating additional funding resources. Over the past decade, more county governments have begun recognizing these benefits and working with other jurisdictions to create affordable housing.

Developing Inter-Jurisdictional Agreements

To maximize the potential of an inter-jurisdictional agreement, county leaders can conduct research to identify partnerships, funding sources and governance structures for new programs.

- **COUNTY EXAMPLE:** Snohomish County (Wash.) conducted a feasibility study of inter-jurisdictional affordable housing programs in 2009.²⁵ The study outlined the proper conditions for creating an inter-jurisdictional program, including a critical mass of jurisdictions that agree to the partnership, sufficient funding, identification of a host agency to administer the program and an agreement on how the program would be governed. In 2013, an inter-local agreement established the county's Alliance for Housing Affordability with the support of the county, 12 cities and the Housing Authority of Snohomish County.²⁶

Partnering at Different Levels of Governance

Since the challenges of housing affordability are by no means confined to a particular municipality or county, county leaders can form partnerships and leverage the authorities of different levels of government to increase housing affordability.

- **COUNTY EXAMPLE:** King County (Wash.) is a part of multiple alliances to create more affordable housing options for residents.²⁷ The Puget Sound Regional Council is a regional planning body with representatives from over 75 jurisdictions. The regional plan developed by the Council is used by another organization established by inter-local agreement between 39 governments, the Growth Management Planning Council, to develop county-wide planning policies. In 2017, the county spearheaded the creation of the Regional Affordable Housing Task Force, led by six county and six city officials.



Investing in Partnerships

The potential of inter-local initiatives to promote affordability has led public and private entities to invest in inter-jurisdictional housing programs. Between 2011 and 2015, HUD awarded 143 regional planning and community challenge grants through the Sustainable Communities Initiative – a \$250 million investment that promoted regional inter-jurisdictional approaches to addressing affordability challenges.²⁸

- **COUNTY EXAMPLES:** Apache County (Ariz.), City and County of Denver Community Planning and Development (Co.), Washtenaw County (Mich.), Bernalillo County (N.M.), Washington County (Ore.), Fremont County (Idaho), Erie County (Pa.), Shelby County (Tenn.), Salt Lake County (Utah) and Chittenden County Regional Planning Commission (Vt.) all received funding to build inter-jurisdictional affordable housing programs from HUD's Sustainable Communities Initiative.

Public-Private Partnerships

Despite the combined resources of the federal government and localities that participate in inter-jurisdictional housing programs, there still remain extensive gaps in funding. Partnerships that leverage private market investments have the potential to help close this gap.²⁹

- **COUNTY EXAMPLE:** The Preservation Compact, a Rental Housing Strategy for Cook County (Ill.), leverages public and private market financing to increase the stock of affordable homes under a supportive regulatory environment created by a Regional Housing Initiative.³⁰

“[Our residents] have made it clear that affordable housing is a top priority, which creates the positive environment needed to compile public and private resources.”

– The Hon. Colby Sledge, Metro Council Member,
Nashville-Davidson County, Tenn.



Ryman Lofts is Nashville-Davidson County's first affordable housing development with a preference for people pursuing a career in the arts.

Section II: Funding and Financing

Decreasing federal and state funding to counties for housing and community development have impelled many counties to look for innovative local funding solutions. Depending on state statute, counties have a variety of local funding sources they can use to leverage resources for affordable housing.

Housing Trust Funds

There are currently over 135 county housing trust funds across 16 states, which collected over \$100 million in FY2015 and, on average, returned \$8.50 for every dollar invested in them.³¹ The primary revenue source for the majority of county housing trust funds was a document recording fee, but many also received funding from sales taxes, developer impact fees, real estate transfer taxes, restaurant taxes, property taxes and their county's general fund.³²

- **COUNTY EXAMPLE:** Nashville–Davidson County's (Tenn.) Barnes Housing Trust Fund
 - » **FUNDING SOURCE:** Fees on short-term rentals; proceeds from any major sale of county property; county general fund; some federal funding, grants and donations.

Service Sharing

Housing affordability is a regional problem; thus, some counties are working on regional funding solutions to reduce the burden of housing costs for residents.

- **COUNTY EXAMPLE:** Texas Housing Foundation (Bastrop, Blanco, Burnet, Hays, Llano and Williamson counties)
 - » **FUNDING SOURCE:** Public-private partnerships; management of various properties; percentage of developer fees; LIHTC, HOME and private activity bonds for specific projects.

Other Taxes and Fees

Some counties are using their own local authority over taxes and fees to secure funding toward affordable housing.

- **COMMERCIAL LINKAGE FEES:** Imposed on commercial construction based on the need for additional workforce housing that the construction will generate.
- **DEVELOPER IMPACT FEES:** Based on the assessed impact of new developments on the demand for housing.
- **DEMOLITION FEES:** Charged to those demolishing affordable housing units.
- **FEES ON SHORT-TERM RENTALS / HOTEL-MOTEL TAXES:** For counties with large tourism industries, so visitors to the county help pay for tourists' impact on housing costs for residents.
- **ADDITIONAL SALES AND PROPERTY TAXES**
 - **COUNTY EXAMPLE:** Hennepin County (Minn.) Housing and Redevelopment Authority
 - » **FUNDING SOURCE:** Property tax levy

Community Land Trust (CLT)

The community owns land through a nonprofit, community development corporation, and residents lease the land from the CLT in exchange for lower costs for homes. Homeowners receive a portion of the increased value of the land when they sell their home.

- **COUNTY EXAMPLE:** Nashville–Davidson County, Tenn.
 - » **FUNDING SOURCE:** Donated county-owned land; Barnes Housing Trust Fund

For more information on funding solutions for affordable housing, visit www.NACo.org/BuildingHomes.

Section III: Planning and Zoning

Counties have a wide range of authority over planning, zoning and permitting, depending on state law. Not all county governments are permitted to allocate funding to build affordable units or to provide monetary incentives to developers, but many can use their authority over planning, zoning and permitting to incentivize affordable housing development without contributing much funding of their own.

Planning for Affordable Housing

Counties typically create comprehensive plans to help guide responses to future population increases and economic development, while preserving their natural and cultural resources. Counties can include a housing element in these plans to evaluate their current housing stock – including its affordability – and predict future housing needs.

- **COUNTY EXAMPLE:** King County (Wash.)
 - » **REGIONAL PLANNING:** Puget Sound Regional Council’s “Vision 2040”
 - » **COUNTY PLANNING:** King County Growth Management Council’s “Countywide Planning Policies”; Regional Affordable Housing Task Force
 - » **UNINCORPORATED AREA PLANNING:** King County Comprehensive Plan
 - » **SUB-COUNTY PLANNING:** A Regional Coalition for Housing (ARCH) for municipalities in the eastern portion of King County
- **COUNTY EXAMPLE:** Grand County’s (Utah) Affordable Housing Plan removed barriers to housing development and began to allow higher-density housing

Housing Needs Analysis

Counties can evaluate future housing needs alongside the state of their current housing stock, then plan the type of housing residents will need. County leaders can analyze the location, type and cost of future homes and explore possible incentives to encourage developers to meet this future demand.

- **COUNTY EXAMPLE:** Greeley County’s (Neb.) “County-Wide Housing Study with Strategies for Affordable Housing – 2025”
- **COUNTY EXAMPLE:** Buncombe County (N.C.) Comprehensive Plan investigated regional housing and construction trends.

Affordable Housing Impact Statements

Counties can require affordable housing impact statements in their comprehensive plans, as well as for new developments, policies and programs. These statements can be similar to environmental or economic impact statements.³³

- **COUNTY EXAMPLE:** Orleans Parish (La.) requires affordable housing impact statements from developers that help provide additional data that is used to better promote affordability in communities across the Parish.



Public hearing organized by the New Orleans Planning Commission.

Community Engagement and Planning

Counties that have robust community engagement infrastructure can better develop plans that will address the needs of residents who are burdened by housing costs.

- **COUNTY EXAMPLE:** Development in Nassau County (N.Y.) is governed by plans that were developed through extensive community engagement efforts that are led by civic associations and smaller townships where residents are empowered to help the county and other governments make better decisions.

Land Use Regulations for Affordable Housing

Counties can modify their comprehensive plans and land use regulations to make it easier to build and to buy cheaper houses, thus expanding housing affordability for residents.

- **COUNTY EXAMPLE:** Greeley County (Neb.) adjusted subdivision regulations in rural areas to allow one three-acre subdivision every quarter section.

- **COUNTY EXAMPLE:** Buncombe County (N.C.) reduced the lot size needed to build home and reduced setback requirements.

Accessory Dwelling Units (ADUs)

Counties can reduce requirements for building accessory dwelling units (ADUs). ADUs can often be a less-expensive housing option for residents who cannot afford a single-family home, as well as an easy way for a county to expand its housing stock.

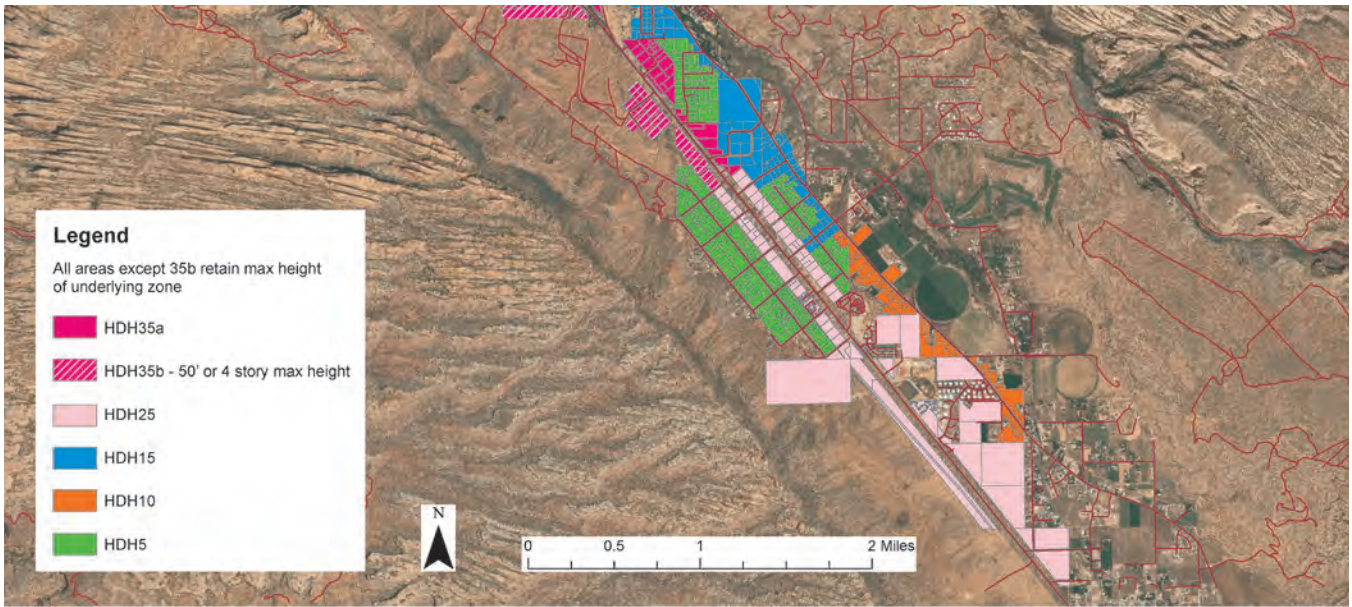
- **COUNTY EXAMPLE:** Grand County (Utah) adjusted its ADU regulations to allow ADUs to be built on smaller lots and removed a requirement that the owner must live in one of the units – allowing both units to be rented.

Incentives for Developers

Some counties enact inclusionary zoning laws that require developers to build affordable units in certain areas, while other counties provide density bonuses to allow developers to build additional units in exchange for making a portion of these units affordable.



Affordable housing units in Buncombe County, N.C., built with the help of county funding.



Grand County, Utah, zoning map of proposed high density housing (HDH) overlay districts for employed, full-time county residents. The legend refers to maximum densities per acre (e.g., HDH25 refers to a maximum of 25 units per acre).

- **COUNTY EXAMPLE:** Buncombe County’s (N.C.) Community Oriented Development (COD) program offers density bonuses for affordable housing, alongside other community benefits, such as using alternate energy sources or preserving open spaces.

Zoning Strategies for Affordable Housing

Counties can encourage the development of less expensive housing options by designating areas for medium-density zoning, where developers can build units in between the densities of single-family homes and apartment complexes, such as townhouses and duplexes. This not only introduces more affordable housing options, but also increases the overall housing stock, thereby decreasing housing prices. Counties can also use form-based code to regulate the outside structure of a home, rather than its internal use. Finally, they can use overlay zones to designate specific areas for affordable housing or higher-density housing.

- **COUNTY EXAMPLE:** Grand County (Utah) implemented “high density housing” overlay districts so that developers can build medium- and high-density housing in areas of the county that have traditionally lacked affordable housing options.

County Building and Land Use

Counties sometimes have the authority to use county-owned land or existing buildings to expand the stock of affordable housing.

- **COUNTY EXAMPLE:** King County (Wash.)’s regional transit authority makes surplus, locally-owned public land from the region’s light rail system expansion available for affordable housing development. The county also has a program to help provide financing for developers wishing to convert existing buildings into affordable homes.

Permitting and Review Procedures

Some counties offer an expedited review and permitting process for developments that include affordable housing, while others reduce or waive fees for developers building affordable units.

- **COUNTY EXAMPLE:** Buncombe County (N.C.) provides rebates of up to 50 percent of building permit fees for developers constructing affordable units
- **COUNTY EXAMPLE:** Grand County (Utah) streamlined its review process to the bare minimum required under state law

For more information on county planning, zoning and land use strategies for addressing housing affordability, visit www.NACo.org/PlanningAhead.

Section IV: Advocacy Resources



The National Association of Counties (NACo) advocates for policies at the federal, state and local levels that strengthen county governments. NACo members vet and adopt legislative policy compiled in a document known as “the American County Platform.” Policy Steering Committees, comprised of NACo members, develop and propose policies and resolutions for consideration to be added to the platform. Each year, NACo members vote on and approve each policy steering committee’s recommendations that are added to the platform. The Community, Economic and Workforce Development Policy Steering Committee has jurisdiction on housing issues and is responsible for proposing ideas to NACo members that will promote affordability.³⁴

The 2018-2019 platform reflects many housing-related items that are important to NACo members.³⁵ Members support flexibility in administration and increased funding for the Community Development Block Grant (CDBG) Program that will allow federal, state and local priorities to be met. The platform emphasizes the need for affordable, workforce and entry-level housing, as well as more federal funding to support county efforts to comply with increased administrative requirements, such as the updated Affirmatively Furthering Fair Housing rule. Recommendations outline the roles state and county governments can adopt to better finance affordable housing programs. The platform also urges the federal government to allow stable long-term coordination and funding between federal, state and local governments to better promote affordability. In response to these priorities, NACo developed several resources on federal affordable housing programs.

NACo Resources

- Affordable Housing Federal Programs and Legislation: www.NACo.org/articles/affordable-housing-federal-programs-and-legislation
- Policy Brief: Support Local Development and Infrastructure Projects: The Community Development Block Grant (CDBG) Program: www.NACo.org/resources/support-local-development-and-infrastructure-projects-community-development-block-grant-1
- CDBG for Counties: www.NACo.org/resources/cdbg-counties
- Policy Brief: Restore Funding for HUD’s Home Investment Partnerships (HOME) Program: www.NACo.org/resources/restore-funding-huds-home-investment-partnerships-home-program-3

Get Involved/Committee Contact



Daria Daniel
Associate Legislative Director
Community, Economic & Workforce Development
(202) 942-4212
ddaniel@naco.org

Conclusion

Housing affordability is a challenge that counties across the country are facing now and will continue to face in the future. Since each county is unique, there is no “one-size-fits-all” solution to housing affordability that every county can implement. Rather, county leaders will continue to work with local communities to develop solutions that best fit their situation. County governments should take advantage of the numerous tools available to them by utilizing a combination of inter-jurisdictional partnerships, community engagement, local funding solutions, planning and zoning strategies and federal grants to increase housing affordability.

NACo will continue to evaluate various strategies and solutions to address housing affordability for counties of all sizes. Housing is recognized as a key determinant in achieving positive health outcomes. High housing cost burdens, alongside poor quality of existing stock, exacerbate existing inequalities and disparities, especially in terms of individual health and wealth. By increasing housing affordability for residents, counties are also decreasing health risks and driving wealth creation for residents, especially for those who are most vulnerable.

Additional Resources

- *NACo County Explorer Affordable Housing Profiles*
www.NACo.org/CountyExplorer
- *Building Homes: County Funding for Affordable Housing*
www.NACo.org/BuildingHomes
- *Access to Housing: Supporting County Workers Through Affordable Homes*
www.NACo.org/AccessToHousing
- *Planning Ahead: Planning, Land Use and Zoning Strategies for Affordable Housing*
www.NACo.org/PlanningAhead
- *Housing Connections: Promoting Affordability Through Community Engagement*
www.NACo.org/HousingConnections
- *County News Hot Topics: Opening the Door to Affordable Housing*
www.NACo.org/featured-resources/county-news-hot-topics-opening-door-affordable-housing



Attendees of NACo's 2018 Affordable Housing Forum discuss potential solutions to help alleviate housing cost burdens for residents

Appendix: Measuring Housing Affordability

Affordability Metrics

The standard method for measuring housing affordability is the housing cost-to-income ratio approach, also known as the “30 percent of income rule.” This approach assesses housing costs as a percentage of household income, designating households that spend more than 30 percent of their income on housing costs alone as cost burdened. The underlying notion of this approach is that a household’s income must cover all necessities, and that cost-burdened households must make tradeoffs between housing and other necessities. As a result of spending more on housing, these households may not have enough left to meet their other needs.

Although the housing cost-to-income ratio approach has been widely adopted in academic and public policy circles, some researchers have criticized the use and validity of this traditional measure in the current housing market, namely because of variations in non-housing costs across different income levels. According to the Harvard University Joint Center for Housing Studies, the costs of necessities generally do not rise with income, so high-income households can devote a larger share of their income to housing and still meet their other needs than can low-income households.³⁶ For example, a household that earns \$650,000 annually may be able to spend 50 percent of their income or more on housing and still have enough for other necessities, while a household that earns \$30,000 annually may not have that same luxury.

Another criticism of the housing cost-to-income ratio approach is that it does not take into account that different households earning similar annual incomes may have different needs. For example, households with children spend more on clothing, food, and medical bills in comparison to households with single adults.³⁷ Thus, a household with children that spends more than 30 percent of its income on housing might be cost burdened, whereas a single adult who earns the same salary and spends the same percentage of

income on housing might not be. Furthermore, the housing cost-to-income ratio approach does not consider cost-of-living differences between areas and regions of the country. For instance, a family in Los Angeles County (Calif.) that earns \$30,000 annually and spends 40 percent of its income on rent may not have enough left to cover all other basic needs such as food, health care and transportation, while that income level may be sufficient for a family in a county with a lower cost of living.

Because of the limitations of the standard housing affordability metric, some researchers have proposed alternative methods for measuring affordability, such as:

- 1.) Measuring the maximum income that a household needs to meet non-housing necessities after paying for housing (known as “the residual income approach”)
- 2.) Computing the share of housing that is affordable to certain groups of households by analyzing funds available for down payments, initial monthly housing-related payments and future projections of household income and costs
- 3.) Taking various household incomes and preferences, such as neighborhood quality, into account alongside the traditional measure
- 4.) Including other expenditures that take up a large share of household income—such as transportation—alongside the standard approach for measuring the affordability.

Other current affordability metrics:

- The National Association of Realtors (NAR) affordability index measures whether a median-income family could qualify for a mortgage loan on a typical home. The components of this measure include median prices for existing single-family home sales and the principal and interest related to mortgage.

- The National Association of Home Builders' (NAHB) Housing Opportunity Index looks at income and housing costs to measure the share of homes sold in an area that would have been affordable to a family earning the area median income. This measure includes property taxes and insurance costs in addition to the principal and interest payment.
- The Center for Neighborhood Technology (CNT) Housing + Transportation Index (H+T) measures housing affordability for regional typical households by considering transportation costs associated with local neighborhoods.³⁸ CNT developed a new benchmark of 45 percent of income which combines the 30 percent standard and a 15 percent transportation affordability threshold. CNT posited this new standard because transportation costs are the second largest expenditure for households.
- The HUD Location Affordability Index (LAI) combines housing and transportation costs to measure affordability for various income groups.

Availability of County-Level Housing Affordability Data

Researchers can obtain data on housing affordability from various sources. The HUD Office of Policy Development and Research lists numerous datasets

that can facilitate housing affordability research. HUD provides a Housing Affordability Data System (HADS) of housing-unit level datasets which measure the affordability of housing units and the housing cost burdens of households relative to AMIs, poverty levels and Fair Market Rents. HADS contains data from the American Housing Survey (AHS) – a survey conducted by the U.S. Census Bureau every two years which contains a wide range of housing information, such as housing inventory, vacancies, physical condition of housing units, characteristics of occupants, neighborhood quality and other variables that impact affordability.

Among other sources, the number and share of cost-burdened households can also be computed using data from the U.S. Census Bureau's American Community Survey (ACS) or the University of Michigan's Panel Study of Income Dynamics—a nationally representative study of the source of U.S. families' income. ACS contains detailed data about housing and other socioeconomic information for a variety of geographical areas, ranging from nationwide to census block groups. ACS samples nearly three million households annually and provides one-year estimates for geographies with a population of 65,000 or more, three-year estimates for geographies with a population of 20,000 or more and five-year estimates for all geographies.



Acknowledgments

The authors would like to thank Eric Alexander (Nassau County, N.Y.), Hon. Bill Baertlein (Tillamook County, Ore.), Hon. Claudia Balducci (King County, Wash.), Kelly Butler (Orleans Parish/City of New Orleans, La.), Hannah Choi (Loudoun County, Va.), Donna Cottrell (Buncombe County, N.C.), Sarah Coyle Etro (Loudoun County, Va.), Josh Fornwalt (Loudoun County, Va.), Cynthia Fox-Clark (Buncombe County, N.C.), Margo Geffen (Hennepin County, Minn.), Francisco Gomez (San Mateo County, Calif.), Adriane Harris (Nashville-Davidson County, Tenn.), Markus Klimenko (Hennepin County, Minn.), Hon. Jeanne Kohl-Welles (King County, Wash.), Zacharia Levine (Grand County, Utah), Morgan Mansa (Nashville-Davidson County, Tenn.), Mark Mayfield (Texas Housing Foundation), Kaitlin Myers (Grand County, Utah, N.C.), April Norton (Teton County, Wyo.), Nathan Pennington (Buncombe County, N.C.), Kelly Rider (King County, Wash.), Debbie Truempy (Buncombe County, N.C.), Franz Trumler (Greeley County, Neb.), Evlyn Tsimis (Nassau County, N.Y.) and Hon. Suzanne M. Volpe (Loudoun County, Va.) for providing essential information and comments for this study. Without them, this project would not have been possible. Within the National Association of Counties, the authors would like to thank Ricardo Aguilar, Sarah Crump, Daria Daniel, Michelle Price and Hadi Sedigh for their helpful comments and contributions. The authors also express their appreciation to their Public Affairs colleagues for the graphic design and the website of the report.

About NACo

The National Association of Counties (NACo) unites America's 3,069 county governments. Founded in 1935, NACo brings county officials together to advocate with a collective voice on national policy, exchange ideas and build new leadership skills, pursue transformational county solutions, enrich the public's understanding of county government and exercise exemplary leadership in public service.

Counties have vast responsibilities when it comes to delivering our infrastructure. This report showcases how housing is a critical portion of the infrastructure portfolio. To learn more, visit www.NACo.org/CountiesBuild.

For more information:

www.NACo.org/AffordableHousingToolkit

Jonathan Harris
Research Analyst
research@naco.org

Stacy Nakintu
Research Associate
research@naco.org

Aaron Ridings
Program Manager
research@naco.org

Endnotes

- 1 NACo Analysis of the American Community Survey (ACS) five-year estimates, U.S. Census Bureau. Calculated using only housing units in counties with county governments for which selected monthly owner costs as a percentage of income were available.
- 2 NACo County Explorer data, 2018. NACo categorizes counties according to population size. Large counties have more than 500,000 residents, medium-sized counties have between 50,000 and 500,000 residents and small counties have less than 50,000 residents.
- 3 NACo County Explorer data, 2018.
- 4 See Jonathan Harris and Stacy Nakintu, "Building Homes: County Funding for Affordable Housing," National Association of Counties (May 2018).
- 5 Matthew Sellers, et al., "County Authority: A State by State Report." National Association of Counties (2010).
- 6 *Ibid.*
- 7 Jonathan Harris, "Planning Ahead: County Planning, Land Use and Zoning Strategies for Affordable Housing," National Association of Counties (September 2018).
- 8 Matthew Sellers, *et al.*, "County Authority: A State by State Report," National Association of Counties (2010).
- 9 *Ibid.*
- 10 *Ibid.*
- 11 *Ibid.*
- 12 *Ibid.*
- 13 *Ibid.*
- 14 Aaron Ridings, "Access to Housing: Supporting County Workers Through Affordable Homes," National Association of Counties (July 2018).
- 15 Aaron Ridings and Stacy Nakintu, "Housing Connections: Promoting Affordability Through Community Engagement," National Association of Counties (October 2018).
- 16 NACo Analysis of the American Community Survey (ACS) five-year estimates, U.S. Census Bureau. This includes counties with county governments.
- 17 *Ibid.*
- 18 *Ibid.*
- 19 *Ibid.*
- 20 *Ibid.*
- 21 NACo Analysis of the American Community Survey (ACS) five-year estimates, U.S. Census Bureau.
- 22 *Ibid.*

23 NACo Analysis of the American Community Survey (ACS) five-year estimates, U.S. Census Bureau. The share of severely burdened homeowners was 12 percent in the West and Northeast, 8 percent in the South and 9 percent in the Midwest.

24 Susan Longworth, "When Neighboring Jurisdictions Collaborate on Housing" Federal Reserve Bank of Chicago (August 2012), available at www.bostonfed.org/publications/communities-and-banking/2012/fall/when-neighboring-jurisdictions-collaborate-on-housing.aspx (December 12, 2018).

25 Snohomish County Tomorrow, "Feasibility Study of Inter-jurisdictional Housing Programs for Snohomish County," available at <https://snohomishcountywa.gov/DocumentCenter/View/8172/Feasibility-Study-of-Interjurisdictional-Housing-Programs> (December 12, 2018).

26 See Alliance for Housing Affordability, available at <https://snohomishcountywa.gov/DocumentCenter/View/8040/Alliance-for-Housing-Affordability?bidId> (December 12, 2018).

27 Jonathan Harris, "Planning Ahead: County Planning, Land Use and Zoning Strategies for Affordable Housing," National Association of Counties (September 2018).

28 Department of Housing and Urban Development, "Regional Planning Grants and the SCI," available at www.hudexchange.info/programs/sci/ (December 12, 2018).

29 Stacy Young, "The Avenue: Making Strong Housing Markets Affordable with Private, Public and Long-distance Partners," Brookings Institute (January 2018), available at www.brookings.edu/blog/the-avenue/2018/01/29/making-strong-housing-markets-affordable-with-private-public-and-long-distance-partners/ (December 12, 2018).

30 *Ibid.*

31 See Jonathan Harris and Stacy Nakintu, "Building Homes: County Funding for Affordable Housing," National Association of Counties (May 2018).

32 *Ibid.*

33 See Matthew Cardinale, "Affordable Housing Impact Statements: A Policy Opportunity for the City of Atlanta," Gonzaga University School of Law (November 2014), available at http://mediad.publicbroadcasting.net/p/wabe/files/AHIS_Report_for_Atlanta_FINAL_version.pdf (December 12, 2018).

34 See the National Association of Counties' Committee on Community, Economic and Workforce Development, available at www.naco.org/advocacy/policies-and-committees/community-economic-workforce-development-steering-committee (December 12, 2018).

35 See National Association of Counties' Committee on Community, Economic and Workforce Development. "Policy Platform and Resolutions 2018-2019," available at www.naco.org/sites/default/files/documents/2018-2019%20American%20County%20Platform_CEWD_0.pdf (December 12, 2018).

36 Christopher Herbert, Alexander Hermann and Daniel McCue, "Measuring Housing Affordability: Assessing the 30 Percent of Income Standard," Joint Center for Housing Studies of Harvard University (September 2018), available at www.jchs.harvard.edu/research-areas/working-papers/measuring-housing-affordability-assessing-30-percent-income-standard (December 12, 2018).

37 Rental Burdens: Rethinking Affordability Measures," PD&R EDGE, available at www.huduser.gov/portal/pdredge/pdr_edge_featd_article_092214.html (December 12, 2018).

38 A typical household earns median income for the region, has the average household size for the region, and the average commuters perhousehold for the region.



660 North Capitol St. NW | Suite 400 | Washington, D.C. 20001
202.393.6226 | www.naco.org

[fb.com/NACoDC](https://www.facebook.com/NACoDC) | [@NACoTweets](https://twitter.com/NACoTweets)

[youtube.com/NACoVideo](https://www.youtube.com/NACoVideo) | www.NACo.org/LinkedIn

FY 2025 Community Partners Requests

App ID	Organization Name	Application Name	Amount Requested	Committee Recommended	District	ARPA
459251	<i>Pathways to Healing</i>	<i>Rape Crisis Rapid Response</i>	\$ 50,000.00	\$ 50,000.00	<i>Education Health & Safety</i>	
459000	<i>Mental Illness Recovery Center, Inc.</i>	<i>Improving Behavioral Health Services</i>	\$ 150,000.00	\$ 100,000.00	<i>Health & Safety</i>	Yes
459768	<i>Senior Resources, Inc.</i>	<i>Senior-Focused Community-Based Services</i>	\$ 548,046.00	\$ 384,700.00	<i>Food Insecurity Health & Safety Recreation</i>	Yes
463333	<i>Columbia Urban League, Inc.</i>	<i>Science Technology Enrichment Program</i>	\$ 100,000.00	\$ 100,000.00	<i>Education</i>	
462524	<i>Greater Columbia Community Relations Council (CRC)</i>	<i>Community Engagement Program</i>	\$ 50,000.00	\$ 50,000.00	<i>Education Health & Safety</i>	Yes
462026	<i>Midlands Housing Alliance</i>	<i>Transitions Homeless Center Specialized Programs</i>	\$ 200,000.00	\$ 200,000.00	<i>Education Food Insecurity Health & Safety Recreation Veteran's Services Workforce Development Youth Services & Programs</i>	Yes
462698	<i>Oliver Gospel Mission</i>	<i>Secure Doors for a Safer Shelter</i>	\$ 50,000.00	\$ 50,000.00	<i>Health & Safety</i>	
462095	<i>Greater Columbia Chamber of Commerce</i>	<i>Columbia Chamber of Commerce BRAC</i>	\$ 53,500.00	\$ 53,500.00	<i>Education Health & Safety Recreation Veteran's Services Workforce Development Youth Services & Programs</i>	
<i>Total Requested</i>			\$ 1,201,546.00	\$ 988,200.00		
<i>Available Funding</i>			\$ 988,200.00	\$ 988,200.00		

Richland County Council Request for Action

Subject:

Atlas Road Re-Scoping

Notes:

March 26, 2024 – The Transportation Ad Hoc Committee recommended that Council restore the scope of Atlas Road from Bluff Road to Shop Road with a projected budget of \$12M.



Agenda Briefing

Prepared by:	Michael Maloney, P.E.	Title:	Director
Department:	Transportation	Division:	
Date Prepared:	March 6, 2024	Meeting Date:	March 26, 2024
Legal Review	Patrick Wright via email	Date:	March 12, 2024
Budget Review	Maddison Wilkerson via email	Date:	March 11, 2024
Finance Review	Stacey Hamm via email	Date:	March 11, 2024
Approved for consideration:	Assistant County Administrator	John M. Thompson, Ph.D., MBA, CPM, SCEM	
Meeting/Committee	Transportation Ad Hoc		
Subject	Re-scoping Atlas Road from Bluff Road to Shop Road		

RECOMMENDED/REQUESTED ACTION:

Staff recommends restoring the scope of Atlas Road from Bluff Road to Shop Road with a \$15 million-dollar project budget.

Request for Council Reconsideration: Yes

FIDUCIARY:

Are funds allocated in the department’s current fiscal year budget?	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
If not, is a budget amendment necessary?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No

ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

The project budget amount of \$12 million is required to restore the widening project.

Project Reserve: Original:	\$52,500,000
Approved Resurfacing Withdrawal:	\$5,000,000,
Atlas Request:	\$19,100,000,
This request:	\$12,000,000
Balance:	\$16,400,000

There other reserve funds available to serve other projects.

Applicable department/grant key and object codes: Key:13320001, object:532200

OFFICE OF PROCUREMENT & CONTRACTING FEEDBACK:

Not applicable.

COUNTY ATTORNEY’S OFFICE FEEDBACK/POSSIBLE AREA(S) OF LEGAL EXPOSURE:

There are no legal concerns regarding this matter.

REGULATORY COMPLIANCE:

Not applicable.

MOTION OF ORIGIN:

“Mr. Jackson moved, seconded by Ms. Dickerson, to accept the committee’s recommendation, with the caveat that at each Transportation Ad Hoc Committee meeting we review every outstanding project and look at the funding to ensure that we cannot revive the project, based upon current funding, at that time.”

Council Member	Report of the Transportation Ad Hoc Committee, Item 20. a
Meeting	Regular Session
Date	May 5, 2020

STRATEGIC & GENERATIVE DISCUSSION:

The Atlas Road (S-50) Widening Project scope includes the reconstruction of a 2-lane roadway to a 3-lane roadway with two 12’ travel lanes separated by a 15’ center lane, from Shop Road (SC 768) to Bluff Road, including a 4-foot bike lane and 5-foot concrete sidewalks in each direction. The project includes the construction of curb and gutter, closed drainage installation, hot mix asphalt paving, culvert construction, demolition, grading, earthwork, signing, pavement markings, traffic control, and erosion control activities.

Staff has analyzed the remaining projects, and by utilizing both the Project Reserve and the Program Reserve, the Transportation Department projects there will be funds remaining to complete the approved projects of the 2012 referendum.

ASSOCIATED STRATEGIC GOAL, OBJECTIVE, AND INITIATIVE:

Goal 4: Plan for growth through inclusive and equitable infrastructure

ATTACHMENTS:

1. Project Plan Overview
2. County Council Meeting Minutes: Regular Session – May 06, 2020



3. East Richland Public Service – One (1) Vacancy

Mr. Malinowski stated the committee recommended to advertise for the vacancies.

In Favor: Malinowski, Dickerson, McBride, Livingston, Terracio, Walker, Kennedy, Jackson, Myers and Newton

The vote in favor was unanimous.

b. ITEMS FOR ACTIONS:

1. The CMRTA (COMET) board has two vacancies. I move that Richland County Council appoints one Councilmember to the board and advertises the remaining vacancy. [NEWTON, LIVINGSTON and DICKERSON] – Mr. Malinowski stated the committee recommended approval of the motion.

In Favor: Malinowski, Dickerson, McBride, Livingston, Terracio, Walker, Kennedy, Jackson and Myers

The vote in favor was unanimous.

20. **REPORT OF THE TRANSPORTATION AD HOC COMMITTEE**

a. Project Descopes – Mr. Jackson stated he thinks there is an opportunity for us to take a giant step forward, as it relates to a clear process and effort in moving the Transportation agenda forward. Since we have resumed work and have a closer handle on where we are, with new staff members in place, and trying to address the moving targets given to the Transportation Ad Hoc Committee. We have an opportunity to show the public that we have restored public trust in where we are today, as it relates to the recommendation on this item. As he listened to the passionate plea for the fiber optic in the lower part of the County, and we got a resounding yes from the majority of Council. He hopes the hard work of the Transportation Ad Hoc Committee will be seen in that same light. There was a work session held on March 3rd, where we received information on the project descope. Pages 341 – 347 has attempted to demonstrate the redirection of funds, and the projects that are being descoped to ensure that we can get back on track with what the public voted on in the referendum, with a potential of a tremendous surplus on the other side, which will be addressed at a later time.

The committee’s recommendation is to approve the project descopes.

Ms. Newton noted, in reviewing the scope reductions, some of them were over the referendum by 127%, 88%, etc. Of these, the Lower Richland Road Widening was less than 10% over referendum. Under the normal course of business, when you are doing a construction project, would that be considered within the contingency amount that we usually plan for. This is a road widening in front of a school, and if we accept the descope we would remove 20% of the funding from the project and the road would not be widened.

Dr. Thompson responded, in the past, the way we would do projects, we would budget the amount provided by the contractor, even if it was over the referendum amount, and still add the 10% for contingency. As we are trying to descope these projects and ensure we can manage and complete more projects, there is a possibility we would be able to use the contingency amount to account for the overage in the project.

Ms. Steele stated we do typically look at a 10% contingency, but we look at that when we have a final construction design/plans with good quantities that we can base the 10% off of. This project is maybe 30% complete, so we have a long way to go before we have a final set of plans to advertise. It would be difficult to say, with our current estimate, the 10% is going to be the amount shown. She would not feel comfortable guaranteeing that, at this time.

Ms. Newton inquired, at what point, would staff feel they have better numbers.

Ms. Steele responded she would feel more comfortable when we get to the 70% design, which gives them the numbers for the right-of-ways that need to be obtained. Right-of-way is usually a big portion of the costs, so until they know exactly how much right-of-way, and they receive appraisals, the amount is a guesstimate.

Ms. Newton inquired if there is a way to accept these recommendations, but to revisit the Lower Richland Road Widening, when we are further down the road with design, so we can address, with a level of certainty, what those estimates are, and if it falls within the contingency range.

Mr. Malinowski stated, if we are going to address one project in the future, we need to be able to address all of them in the future. He noted, in the briefing document, under fiscal impact it says there is none, when there are millions of dollars of impact to the Transportation Penny funds.

Mr. Jackson stated he would hope that we will look at any item that is brought to our attention as we get closer to the level of completion noted by staff.

Ms. Newton inquired as to what the process would be for doing that. In addition, she would accept Mr. Malinowski's recommendation to look at all the projects, but maybe within a certain price threshold. To say the project, approved by the voters, was a road widening, and now we are not going to widen the road at all, when it is a negligible amount we are talking about.

Mr. Jackson stated when we drew the line in the sand, as a Council, and said no projects over the referendum would be moved forward, it created this stance. Unless we bring it back to committee, and revisit it, there is no other option.

Ms. Myers inquired if there was a way to amend the committee's recommendation to encapsulate the sentiments expressed by Ms. Newton and Mr. Malinowski while we move forward.

Mr. Jackson moved, seconded by Ms. Dickerson, to accept the committee's recommendation, with the caveat that at each Transportation Ad Hoc Committee meeting we review every outstanding project and look at the funding to ensure that we cannot revive the project, based upon current funding, at that time.

In Favor: Malinowski, Dickerson, McBride, Livingston, Terracio, Kennedy, Manning, Jackson, Myers and Newton

Opposed: Walker

The vote was in favor.

Ms. Dickerson moved, seconded by Mr. Jackson, to reconsider this item.

In Favor: Walker and Newton

Opposed: Malinowski, Dickerson, McBride, Livingston, Terracio, Kennedy, Jackson and Myers

The motion for reconsideration failed.

- b. Greene Street Phase II Material Testing Contract – Mr. Niermeier stated the committee recommended to award the contract to S&ME for not to exceed \$222,072.00 and a 10% contingency of \$22,072 to provide for potential, unexpected costs.

In Favor: Malinowski, Dickerson, McBride, Livingston, Terracio, Walker, Kennedy, Jackson, Myers and Newton

The vote in favor was unanimous.

Mr. Jackson moved, seconded by Ms. McBride, to reconsider this item.

Opposed: Malinowski, McBride, Livingston, Terracio, Walker, Kennedy, Jackson, Myers and Newton

The motion for reconsideration failed.

- c. Greene Street Phase II CE&I Contract – Mr. Niermeier stated there were seven (7) proposals, which were evaluated by a selection committee. The committee forwarded the item to Council without a recommendation.

Mr. Jackson moved, seconded by Mr. Livingston, to award the contract to Parrish and Partners, LLC in the negotiated amount, not to exceed \$815,820.44. Additionally, recommend to approve a contingency amount of \$81,520 for authorized overtime.

Mr. Malinowski stated, while we have a procurement policy in place, he is going to be making a motion that we revisit the policy. If we have six (6) companies that are scored, and they all score within six (6) points of each other, then all of the companies are qualified. At this point, we do not look at the price, but because one company gets one or two points higher, they are recommended to receive the contract. In this instance, the price is several hundred thousand dollars more than the other companies. He believes we should make those go hand-in-hand in the future.

In Favor: Dickerson, McBride, Livingston, Terracio, Kennedy, Jackson, Myers and Newton

Opposed: Malinowski and Walker

The vote was in favor.

- d. Clemson Road CE&I Contract – Mr. Niermeier stated there were eight (8) vendors, and received seven (7) proposals, which were evaluated according to the procurement process. The committee forwarded this to Council without a recommendation.

Mr. Jackson moved, seconded by Ms. Newton, to award the contract to Michael Baker Intl in the negotiated amount, not to exceed \$390,894.00, and to approve a contingency amount of \$39,089.40 for authorized overtime.

In Favor: Dickerson, McBride, Livingston, Terracio, Walker, Kennedy, Manning, Jackson, Myers and Newton

Regular Session

May 5, 2020

15

Richland County Council Request for Action

Subject:

Award of Construction – Atlas Road Widening

Notes:

March 26, 2024 – The Transportation Ad Hoc Committee recommended that Council award the construction contract for the Atlas Road Widening project to Palmetto Corp of Conway based on the bid received in the amount of \$44,246,299.20, to include a 5% construction contingency, for a total approved amount of \$46,458,540.66.

**RICHLAND COUNTY
ADMINISTRATION**

2020 Hampton Street, Suite 4069
Columbia, SC 29204
803-576-2050



**Not
Agenda Briefing**

Prepared by:	Michael Maloney, P.E.	Title:	Director
Department:	Transportation	Division:	
Date Prepared:	March 6, 2024	Meeting Date:	March 26, 2024
Legal Review	Patrick Wright via email	Date:	March 7, 2024
Budget Review	Maddison Wilkerson via email	Date:	March 11, 2024
Finance Review	Stacey Hamm via email	Date:	March 8, 2024
Approved for consideration:	Assistant County Administrator	John M. Thompson, Ph.D., MBA, CPM, SCEM	
Meeting/Committee	Transportation Ad Hoc		
Subject	Award of Construction - Atlas Road Widening		

RECOMMENDED/REQUESTED ACTION:

Staff recommends award of the construction contract for the Atlas Road Widening project to Palmetto Corp of Conway based on the bid received in the amount of \$44,246,229,20, to include a 5% construction contingency, for a total approved amount of \$46,458,540.66.

Request for Council Reconsideration: Yes

FIDUCIARY:

Are funds allocated in the department’s current fiscal year budget?	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
If not, is a budget amendment necessary?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No

ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

The project budget amount of \$36,300,000 was presented to Council in 2020 with a de-scope plan. The amount required for the project is \$55,400,000. The remaining \$19,100,000 is requested from the project reserve.

Project Reserve: Original:	\$52,500,000
Approved Resurfacing Withdrawal:	\$5,000,000
This Request:	\$19,100,000
Balance:	\$28,400,000

Applicable department/grant key and object codes: Key:13320001, object:532200

OFFICE OF PROCUREMENT & CONTRACTING FEEDBACK:

Please see Attachment 2.

COUNTY ATTORNEY’S OFFICE FEEDBACK/POSSIBLE AREA(S) OF LEGAL EXPOSURE:

There are no legal concerns regarding this matter.

REGULATORY COMPLIANCE:

Not applicable.

MOTION OF ORIGIN:

There is no associated Council motion of origin.

STRATEGIC & GENERATIVE DISCUSSION:

The Atlas Road (S-50) Widening Project scope includes the reconstruction of a two-lane roadway to a five-lane roadway with four 12' travel lanes separated by a 15' center lane, from Shop Road (SC 768) to Garners Ferry Road (US 76), including a 4-foot bike lane and 5-foot concrete sidewalks in each direction. The project includes the construction of curb and gutter, closed drainage installation, hot mix asphalt paving, culvert construction, demolition, grading, earthwork, signing, pavement markings, traffic control, signal installation and erosion control activities. The project also relocates utilities and upgrades the two signalized railroad crossings.

There were two bidders out of the ten plan holders. The two bids received differed by about \$1.5 million dollars which is a 3.4% spread. Those who did not bid indicated they were busy with other work.

Staff has analyzed the remaining projects, and by utilizing both the Project Reserve and the Program Reserve, there will be funds remaining to complete the approved projects of the 2012 referendum.

ASSOCIATED STRATEGIC GOAL, OBJECTIVE, AND INTIATIVE:

Goal 4:Plan for growth through inclusive and equitable infrastructure

ATTACHMENTS:

1. Project Plan Overview
2. Procurement Department Letter of Recommendation



**RICHLAND COUNTY GOVERNMENT
PROCUREMENT DEPARTMENT**

2020 Hampton Street, Suite 3064, Columbia, SC 29204
T 803-576-2130 | F 803-576-2135
richlandcountysc.gov

Attachment 2



March 5, 2024

To: Mr. Michael Maloney, Interim Director of Transportation From:

Deramus Forrester, Contract Analyst

CC: Mrs. Jennifer Wladischkin, Procurement Director, Mr. Jeffrey McNesby, Project Manager

Re: RC-647-B-24 Atlas Road Widening Project

A bid opening was conducted at 5:00 PM on Wednesday, January 18, 2024, via the County's online procurement portal. Procurement has reviewed the (2) two submitted bids for the Atlas Road Widening Project which was submitted via Bonfire and found no discrepancies. The bids received were as follows:

Atlas Road Widening Project - BID RESULTS SUMMARY	
BIDDER	SUBMITTED BID
Palmetto Corp of Conway	\$44,246,229.20
McClam and Associates Inc	\$45,793,659.57

Further review shows that Palmetto Corp of Conway is duly licensed in South Carolina to perform this work. A copy of their license is attached.

A Non-Mandatory Pre-Bid Conference was held at 10 a.m. on February 6, 2024, during which attendees gained information and bidding directives for the project. See the attached sign-in log.

Attached is a final bid tab sheet for your reference which indicates Palmetto Corp of Conway's bid is 57.4% higher than the Engineer's Estimate of \$28,097,781.29, dated February 7, 2024. The SLBE goal for this project is 11% which Palmetto Corp of Conway also committed to.

Provided that Transportation can provide the additional funding, it is Procurement's recommendation that a contract be awarded to the lowest responsive and responsible bidder, Palmetto Corp of Conway.

Deramus Forrester
Contract Analyst

DocuSigned by:

A handwritten signature in black ink that reads "Deramus Forrester".

4D1794B7647A49D...

RICHLAND COUNTY GOVERNMENT OFFICE OF PROCUREMENT AND CONTRACTING
2020 HAMPTON STREET, SUITE 3064, COLUMBIA, SC 29204-1002

Project #: RC-647-B-24	Project Name: Atlas Road Widening Project		Date: 2/6/2024
			Time: 10 am
COMPANY NAME	REPRESENTATIVE	EMAIL ADDRESS	TELEPHONE/FAX
McClam & Associates	Scott Nolff		803-345-9194
	Alex Burton		
Palmetto Corp of Conway	Lou Almonte	bids@palmettocorp.com	843-365-2156
Cox and Dinkins	Mac Atkins	MATkins@coxanddinkins.com	
AOS Specialty Contractors	Mike La Cola	mlacola@aosscc.org	803-798-6831
Hussey Gay Bell	Rebecca Connelly	rconnelly@husseygaybell.com	803-799-0444
C.R. Jackson	Austin Sarokas	ASarokas@crjackson.com	
FME Consultants	Jeff Kinard	jkinard@fmeconsultants.com	803-2379586
Davis & Floyd	W. Kevin Sheppard	ksheppard@davisfloyd.com	843-554-8602
FME Consultants	Andy Whitfield	ccounts@fmeconsultants.com	803-237-9586
MattLane Construction - Concrete Construction	Lauren Matthews	Mattlaneconstruction@gmail.com	803-673-4623
Complete 7 Trucking	Lester Johnson	agloverautogroup@yahoo.com	803-477-5593
Taylor Brothers Construction	Ryan Taylor	whitney@taylorbrotherssc.com	803-776-5113
Taylor Brothers Construction	Collier Taylor	whitney@taylorbrotherssc.com	803-776-5113
Dominion Energy	Daniel Hernandez	d.hernandez@dominionenergy.com	
HDR Inc	Henry Alfaro	Henry.Alfaro@hdrinc.com	980-337-5014
L-J Inc	Wendell	wmccoy@l-jinc.com	
	Woody Moore		
TG Trucking	Veronica Johnson	tgtrucking2@gmail.com	803-800-9084
HDR Inc	Eric Hampton	Eric.Hampton@hdrinc.com	
	Rhett Loudenback		

Richland County	Jeffrey Mcnesby	mcnesby.jeffrey@richlandcountysc.gov	803-766-5614
Richland County	Pamela Green	green.pamela@richlandcountysc.gov	803-576-7548
Richland County	Margaret Jones	jones.margaret@richlandcountysc.gov	803-576-1551
Richland County	Michael Green	green.michael@richlandcountysc.gov	803-576-5607
Richland County	Lasasha Breland	breland.lasasha@richlandcountysc.gov	
Richland County	Tamar Black	black.tamar@richlandcountysc.gov	803-576-2132
Richland County	Deramus Forrester	forrester.deramus@richlandcountysc.gov	803-576-2133

***** PLEASE PRINT CLEARLY! IF THE INFORMATION IS NOT LEGIBLE YOUR ATTENDANCE MAY NOT BE CONSIDERED! *****

RC-647-B-24

Atlas Road Widening Project

Due Date 2/29/2024 2:00 pm

McClam and Associates Inc.

Palmetto Corp of Conway

Total Cost

\$45,793,659.57

\$44,246,229.20



REQUEST OF ACTION

Subject: FY24 - District 9 Hospitality Tax Allocations

A. Purpose

County Council is being requested to approve a total allocation of **\$5,000** for District 9.

B. Background / Discussion

For the 2023 - 2024 Fiscal Year, County Council approved designating the Hospitality Discretionary account funding totaling \$82,425.00 for each district Council member. The details of these motions are listed below:

Motion List (3rd reading) for FY17: Hospitality Tax discretionary account guidelines are as follows: (a) Establish a H-Tax discretionary account for each Council District; (b) Fund the account at the amount of \$164,850.00; (c) Council members will recommend Agencies to be funded by their allocation. Agencies and projects must meet all of the requirements in order to be eligible to receive H-Tax funds; (d) All Council recommendation for appropriations of allocations to Agencies after the beginning of the fiscal year will still be required to be taken back to Council for approval by the full Council prior to the commitment of funding. This would only require one vote.

Motion List (3rd reading) for FY24, Regular Council Meeting – June 6, 2023: Establish Hospitality Tax discretionary accounts for each district in FY24 at the amount of \$82,425. Move that all unallocated district specific H-Tax funding for FY22-23 be carried over and added to any additional funding for FY23-24.

Pursuant to Budget Memorandum 2017-1 and the third reading of the budget for FY24 each district Council member was approved \$82,425.00 to allocate funds to Hospitality Tax eligible organizations of their own discretion. As it relates to this request, District 9 H-Tax discretionary account breakdown and its potential impact is listed below:

Initial Discretionary Account Funding	\$ 82,425
FY2023 Remaining	\$222,325
Columbia City Ballet (SC Ballet)	\$ 5,000
Total Allocation	\$ 5,000
Remaining FY2024 Balance	\$245,435

C. Legislative / Chronological History

- 3rd Reading of the Budget – June 8, 2017
- Regular Session - May 15, 2018
- 3rd Reading of the Budget FY19- June 21, 2018
- 3rd Reading of the Budget FY20- June 10, 2019
- 3rd Reading of the Budget FY21- June 11, 2020
- 3rd Reading of the Budget FY22- June 10, 2021
- 3rd Reading of the Budget FY23- June 7, 2022
- 3rd Reading of the Budget FY24- June 6, 2023

D. Alternatives

1. Consider the request and approve the allocation.
2. Consider the request and do not approve the allocation.

E. Final Recommendation

Staff does not have a recommendation regarding this as it is a financial policy decision of County Council. The funding is available to cover the request. Staff will proceed as directed.