



Richland County Council

ORDINANCE REVIEW AD DOC COMMITTEE
September 11, 2018 – 3:00 PM
4TH FLOOR CONFERENCE ROOM
2020 Hampton Street, Columbia, SC 29202

Dalhi Myers	Bill Malinowski	Norman Jackson
District 10	District 1	District 11

1. **Call to Order** The Honorable Bill Malinowski
2. **Adoption of Agenda**
3. **Election of Chair**
4. **Review of November 15, 2016 Minutes [PAGES 2-4]**
5. **An Ordinance Amending the Richland County Code of Ordinances; Chapter 18, Offenses; Section 118-3, Noise; so as to limit noise in the unincorporated areas of Richland County [PAGES 5-6]**
6. **An Ordinance Amending the Richland County Code of Ordinances; Chapter 17, Motor Vehicles and Traffic; Article II, General Traffic and Parking Regulations; Section 17-10, Parking in Residential and Commercial Zones of the County; so as to define vehicles subject thereto [PAGES 7-9]**
7. **An Ordinance Amending the Richland County Code of Ordinances; Chapter 18, Offenses; Section 18-4, Weeds and Rank Vegetation; so as to amend the time for notification [PAGES 10-11]**
8. **Adjournment**

RICHLAND COUNTY COUNCIL SOUTH CAROLINA

ORDINANCE REVIEW AD HOC COMMITTEE

November 15, 2016
2:00 PM
Administration Conference Room

In accordance with the Freedom of Information Act, a copy of the agenda was sent to radio and TV stations, newspapers, persons requesting notification, and was posted on the bulletin board located in the lobby of the County Administration Building

CALL TO ORDER

Ms. Dixon called the meeting to order at approximately 2:04 PM

APPROVAL OF MINUTES

July 12, 2016 – Mr. Malinowski moved, seconded by Ms. Dixon, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF THE AGENDA

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

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

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

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

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

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



Committee Members Present

Julie-Ann Dixon, Chair
Bill Malinowski

Others Present:

Geo Price
Kevin Bronson
Michelle Onley
Roxana Meetze
Lauren Hogan

Ordinance Review Ad Hoc Committee
Tuesday, November 15, 2016
Page Two

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

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

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

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

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

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

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

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

The vote in favor was unanimous.

An Ordinance Amending the Richland County Code of Ordinances; Chapter 17, Motor Vehicles and Traffic; Article II, General Traffic and Parking Regulations; Section 17-10, Parking in Residential and Commercial Zones of the County; so as to define vehicles subject thereto – Mr. Bronson stated the complaints regarding parking on the front lawn were to be tracked by the Ombudsman's Office, which is a separate issue from the item being taken up by the committee.

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

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

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

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

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

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

Ordinance Review Ad Hoc Committee
Tuesday, November 15, 2016
Page Three

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

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

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

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

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

ADJOURNMENT

The meeting adjourned at approximately 3:34 PM

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

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

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 18, OFFENSES; SECTION 18-3, NOISE; SO AS TO LIMIT NOISE IN THE UNINCORPORATED AREAS OF RICHLAND COUNTY.

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

SECTION I. The Richland County Code of Ordinances; Chapter 18, Offenses; Section 18-3, Noise; is hereby amended to read as follows:

Sec. 18-3. Noise.

(a) Definitions. As used in this section, "consumer fireworks" shall mean: Any small firework device that can be sold to the general public and which is designed to produce visible effects by combustion. Consumer fireworks are generally marked with brightly colored and decorated paper and include, in part, a trade name and manufacturing information.

(a)(b) Except as provided in subsections (c) through (f), below It-it shall be unlawful for any individual within any residential zone of the unincorporated areas of the county to use or operate any radio, receiving set, musical instrument, phonograph set, television set, or other machine or device for the producing or reproducing of sound, or to create, assist in creating, permit, continue, or permit the continuance of any noise, including vehicular noise, in excess of sixty two (62) decibels between the hours of 7:00 a.m. and 10:00 p.m. of one day and in excess of fifty five (55) decibels between the hours of 10:00 p.m. of one day and 7:00 a.m. of the following day, or in a manner which is deemed to be excessive by the county sheriff's department, in a manner which is deemed to be excessive, unreasonably loud, or disturbing; and which endangers or injures the safety or health of humans or animals, or annoys or disturbs a reasonable person of normal sensibilities, or in a manner which is deemed to excessive by the county sheriff's department. A loud, excessive, or disturbing noise is defined as any sound regulated by this section, which is plainly audible at a distance of one hundred (100) feet from its source.

(b)(c) This section does not apply to industrial, commercial, or manufacturing noise; emergency signal devices; material handling by sanitation crews; licensed game hunting on property where it is allowed; refuse compacting vehicles; airport and airplane noise; and sounds emanating from governmental activities. This section shall also not apply to the conduct of agricultural or farming activities; and tree harvesting or clearing noise on construction sites; or noise generated from the lawful operation of farm equipment.

Formatted: Font: Font color: Black

Formatted: List Paragraph, Indent: Left: 0",
First line: 0.5", Numbered + Level: 1 +
Numbering Style: a, b, c, ... + Start at: 1 +
Alignment: Left + Aligned at: 0.5" + Indent at:
1.3"

Formatted: List Paragraph, Indent: Left: 1.3",
First line: 0"

~~(e)~~(d) Notwithstanding the inclusion of the term "commercial" in subsection (b), above, the unlawful generation of noise as described in section 18-3(a) explicitly applies to nightclubs that sell alcoholic beverages.

(e) Noise on construction sites, and lawn and yard maintenance activities, shall occur no earlier than 7:00 a.m. and no later than 10:00 p.m.

(f) Noise from consumer fireworks shall only be allowed in areas that are zoned residential between the hours of 8:00 a.m. – 11:00 p.m. on the days Sunday through Thursday. Noise from fireworks shall only be allowed on Friday and Saturday between the hours of 8:00 a.m. – 11:59 p.m. Provided, however, on the days of July 4 and December 31 only, noise from fireworks may extend until 1:00 a.m. of the next day.

~~(d)(g)~~ This section shall be enforced by the county sheriff's department. ~~A deputy sheriff responding to a complaint of excessive noise shall have the discretion to enforce this section by one of two means: ÷ After receiving a complaint and upon a finding by a deputy sheriff of a violation (i.e. the noise complained of appears to be excessive, any offender shall have an opportunity to immediately abate the offending noise without penalty. However, if the violation continues or reoccurs within the following forty-eight (48) hours, the deputy may charge the violator with a misdemeanor.~~

~~(1) If the noise complained of appears to be excessive, the deputy may charge the violator with a misdemeanor;~~

~~(2) If the noise violates the decibel levels set forth in subsection (a) hereof, the deputy sheriff responding to a complaint of excessive noise may charge the violator with a misdemeanor.~~

SECTION II. Severability. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

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

SECTION IV. Effective Date. This ordinance shall be effective from and after _____, 2015.

RICHLAND COUNTY COUNCIL

BY: _____
Torrey Rush, Chair

ATTEST THIS THE _____ DAY

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. 001-15HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 17, MOTOR VEHICLES AND TRAFFIC; ARTICLE II, GENERAL TRAFFIC AND PARKING REGULATIONS; SECTION 17-10, PARKING IN RESIDENTIAL AND COMMERCIAL ZONES OF THE COUNTY; SO AS TO DEFINE VEHICLES SUBJECT THERETO.

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

SECTION I. The Richland County Code of Ordinances; Chapter 17, Motor Vehicles and Traffic; Article II, General Traffic and Parking Regulations; Section 17-10, Parking in Residential Zones of the County; is hereby amended to read as follows:

Section 17-10. Parking in residential and commercial zones of the county.

(a) For the purpose of this section, the following definitions shall apply:

- (1) Fitted cover, for the purpose of this section, means a cover that conforms to the basic shape of the vehicle and covers all portions of such vehicle.
- (2) *Motor Vehicle* means every vehicle which is self-propelled, except mopeds, and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.
- (3) *Semi-trailer* means every vehicle, with or without motive power, designed for carrying persons or property and for being drawn by a motor vehicle, and constructed that some part of its weight and that of its load rests upon or is carried by another vehicle; and exceeds a gross weight of 10,000 pounds, or a manufacturer's gross vehicle weight rating (GVWR) of 10,000 pounds.
- (4) *Trailer (other than semi-trailer)* means every vehicle, with or without motive power, designed for carrying persons or property and for being drawn by a motor vehicle; and which does not exceed a gross weight of 10,000 pounds, or a manufacturer's gross vehicle weight rating (GVWR) of 10,000 pounds. This definition excludes camping trailers, boat trailers, travel trailers, and utility trailers, as such are regulated in the Richland County Land Development Code at Section 26-173 (f).
- (5) *Truck tractor* means every motor vehicle designed and used primarily for drawing other vehicles; and not so constructed as to carry a load other than a part of the weight of the vehicle and the load drawn.

(b) It shall be unlawful for a truck tractor, a semi-trailer, or a trailer to be parked on any public street, road, right-of-way or as otherwise prohibited by the Richland County Code of Ordinances in the unincorporated portions of the county which are or hereafter shall be designated as Rural Residential, Single-Family Residential, Manufactured Home, or General Residential under the Richland County Zoning Ordinance and the "Zoning Map of Unincorporated Richland County", as amended.

(c) Except as is provided in subsection (d), below, it shall be unlawful for any truck tractor, semi-trailer or trailer to be parked, stored or located on a lot in any residential zoning district in the unincorporated areas of the county [except for those parcels that are one (1) acre or greater in the (RU) Rural zoning district] unless the entire portion of such truck tractor, semi-trailer or trailer is parked,

stored or located in an enclosed garage or in a carport at the residence, or is enclosed under a fitted cover.

(d) Notwithstanding subsections (b) and (c), above, truck tractors, semi-trailers or trailers that are in active use in the provision of a service or delivery or removal of property or material at or from a residence in a residential zoning district may park on the public street, road, right-of-way or lot at which the service is being provided or the delivery or removal is being made, for only the duration of the service provision or delivery or removal as provided for herein. For purposes of this section, “active loading or unloading” shall include, but not be limited to, the delivery or removal of furniture, yard trash or debris, household or building materials, tangible personal property and the like, evidenced by the active involvement (e.g., the loading, unloading, service provision or supervision thereof) of the owner, operator, delivery personnel, service provider, or other person responsible for parking or causing to be parked the truck tractor, semi-trailer or trailer while the truck tractor, semi-trailer or trailer is parked on the public street, road, right-of-way or lot subject to this section. For purposes of this section, “active loading and unloading” does not include parking or “staging” a truck tractor, semi-trailer or trailer, leaving the same unattended and then engaging in loading, unloading, removal or service provision at a subsequent point beyond twenty-four (24) hours.

(e) It shall be unlawful for a motor vehicle, or wheeled conveyance of any kind required by law to be licensed that is unlicensed, or is displaying an expired or invalid license to be parked on any public street or road, right-of-way or as otherwise prohibited by the Richland County Code of Ordinances in the unincorporated portions of the county which are or hereafter shall be designated as Rural Residential, Single-Family Residential, Manufactured Home, or Multi-Family Residential under the Richland County Zoning Ordinance and the “Zoning Map of Unincorporated Richland County”, as amended.

(f) All motor vehicles or trailers without a valid state-issued license plate permitting operation on public roads and highways, which are stored, parked, or located on a lot in any zoning district in the unincorporated areas of the county, except for those parcels that are three (3) acres or greater in the (RU) Rural zoning district, are required to be kept in a garage, carport, or protected from the elements by a fitted cover. Licensed automobile dealerships, persons licensed to conduct businesses involving storage and sale of junk and scrap, trailers utilized as temporary structures in conjunction with construction activities, and vehicles used in agricultural operations and which are not operated on the public roads and highways are exempt.

(g) Any motor vehicle or trailer that is not capable of operating in accordance with South Carolina law or, in the case of a motor vehicle, not capable of moving under its own power (even if it has a valid state-issued license plate permitting operation on public roads and highways) shall not be stored, parked, or located on a lot in any residential or commercial zoning district in the unincorporated areas of the county (except for those parcels that are three (3) acres or greater in the (RU) Rural zoning district) for more than forty-five (45) consecutive days unless it is kept in an enclosed garage, in a carport, or protected from the elements by a fitted cover.

(h) *Penalties:* Upon a finding by a deputy sheriff of a violation, any offender shall have an opportunity to cure the violation within a prescribed period of time; provided that the period of time allowed shall not begin to run until notice of the violation is provided to the offender. Notice shall be sufficient if provided by personal contact directly with the offender or by talking on the telephone with the offender, by the offender having accepted written notice by certified mail, or by placement of a notice of violation on the vehicle, motor vehicle, truck tractor, semi-trailer, or trailer. If the offender, resident, owner of the vehicle, motor vehicle, truck tractor, semi-trailer, or trailer or owner of the real property on which the violation occurred fails to take proper corrective action, in the prescribed time, such person

shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than five hundred (\$500.00) dollars or imprisoned for not more than thirty (30) days, or both. Each day such violation continues after due notice shall be considered a separate offense. Any owner and/or operator of a vehicle, motor vehicle, truck tractor, semi-trailer, or trailer which is in violation of this section (or if the offender is unable to be located, any owner of land on which the violation occurred), and any person who commits, participates in, assists in, or maintains that violation may each be found guilty of a separate offense and suffer the penalties set forth herein. In the event that an offender has been previously cited for or given notice of a violation of this section, enforcement action may be taken immediately without the requirement of an opportunity to cure the violation.

(i) *Administration and enforcement:* The Sheriff of Richland County shall be authorized to enforce the provisions of this section and to engage a towing service to remove any vehicle parked in violation of these regulations, provided the cost of towing services shall be charged to the registered owner of any vehicle so removed.

SECTION II. Severability. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

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

SECTION IV. Effective Date. This ordinance shall be effective from and after February 10, 2015.

RICHLAND COUNTY COUNCIL

BY: _____
Torrey Rush, Chair

ATTEST THIS THE ____ DAY
OF _____, 2015

Michelle M. Onley
Deputy Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading:	December 2, 2014
Second Reading:	December 9, 2014
Public Hearing:	February 10, 2015
Third Reading:	February 10, 2015

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. 002-16HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 18, OFFENSES; SECTION 18-4, WEEDS AND RANK VEGETATION; SO AS TO AMEND THE TIME FOR NOTIFICATION.

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

SECTION I. The Richland County Code of Ordinances; Chapter 18, Offenses; Section 18-4 is hereby amended to read as follows:

Sec. 18-4. Weeds and rank vegetation.

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

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

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

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

(e) *Failure to comply with notice.* If the person to whom the notice is directed, under the provisions of the preceding subsection, fails or neglects to cause such weeds or other rank vegetation to be cut and removed from any such premises within thirty (30) days after such notice has been served or deposited in the United States mail, or posted upon premises, such person shall be deemed guilty of a misdemeanor and subject to the penalty provisions of section 1-8 of this code.

(f) *Removal by county.* In the event any property is determined to be a nuisance, and thirty (30) days has elapsed after such notice has been served, deposited in the United States Mail, or posted upon the premises, then the department of public works or its duly authorized agent or representative may enter upon any such lands and abate such nuisance by cutting and removing such weeds or other rank vegetation, and the cost of doing so may become a lien upon the property affected, or may be recovered by the county through judgment proceedings initiated in a court of competent jurisdiction.

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

SECTION II. Severability. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

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

SECTION IV. Effective Date. This ordinance shall be effective from and after February 9, 2016.

RICHLAND COUNTY COUNCIL

BY: _____
Torrey Rush, Chair

ATTEST THIS THE _____ DAY
OF _____, 2016

S. Monique McDaniels
Clerk of Council

RICHLAND COUNTY ATTORNEY’S OFFICE

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

First Reading:	December 1, 2015
Second Reading:	December 8, 2015
Public Hearing:	February 9, 2016
Third Reading:	February 9, 2016