

RICHLAND COUNTY COUNCIL
REGULAR SESSION
FEBRUARY 19, 2008
6:00 P.M.

CALL TO ORDER	Honorable Joseph McEachern, Chairman
INVOCATION	Honorable Joseph McEachern
PLEDGE OF ALLEGIANCE	Honorable Joseph McEachern
PRESENTATION	Katherine Horne, CEO, Edventure Children's Museum Lower Richland Heritage Corridor Update Ms. Marie Adams

ADOPTION OF AGENDA

APPROVAL OF MINUTES

Zoning Public Hearing: January 29, 2008 [PAGES 5-7]

Regular Session: February 5, 2008 [PAGES 8-14]

REPORT OF THE COUNTY ADMINISTRATOR

- a. Qualifications of Building Codes Director
- b. Farmers' Market Update (Executive Session item)
- c. Budget Kickoff
- d. C-Funds
- e. Animal Care MOU with Lexington
- f. Lower Richland Sewer Service

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS

REPORT OF THE CLERK OF COUNCIL

- a. 2008 Rural Summit -- March 2-4, 2008, The Inn at Clemson

REPORT OF THE CHAIRMAN

OPEN/CLOSE PUBLIC HEARING ITEMS

None

APPROVAL OF CONSENT ITEMS

1.a., 2.a., 2.b., 2.c.1., 2.c.2., 2.c.3., 2.d., 2.e., 2.f., 2.i.

1. THIRD READING ITEM

- a. An Ordinance to temporarily extend staff review time for various actions required under the Richland County Code of Ordinances; Chapter 26, Land Development [CONSENT] [PAGES 15-17]

2. SECOND READING ITEMS

- a. An Ordinance amending the Richland County code of ordinances chapter 12, garbage, trash and refuse; article III, construction, modification, expansion, and/or operation of solid waste management facilities, beneficial landfills, and composting facilities, so as to repeal certain provisions [CONSENT] [PAGES 18-19]
- b. An Ordinance authorizing a quit-claim deed for 62 square feet on Hastings Alley [CONSENT] [PAGE 20]
- c. Business Service Center Ordinance revisions:
 - 1. Hospitality Tax [CONSENT] [PAGES 21-25]
 - 2. Peddlers' Licenses [CONSENT] [PAGES 26-30]
 - 3. Tourism Development fee [CONSENT] [PAGES 31-35]
- d. An Ordinance amending the Richland County Code of ordinances, chapter 16, licenses and miscellaneous business regulations; article 1, in general, so as to amend requirements pertaining to sexually oriented businesses, and make clarifications pertaining to all businesses [CONSENT] [PAGES 36-67]
- e. A Budget Ordinance amending FY 07-08 budget to transfer funds for Elders Pond EMS Station (\$1,722,000), and transfer funds for Horrell Hill EMS station (\$550,244) to a capital project fund from the Fire Fund and General Fund [CONSENT] [PAGES 68-70]
- f. A budget amendment to increase the Board of Voter Registration Department budget by \$20,000 for the purpose of providing for part-time employees [CONSENT] [PAGES 71-72]
- g. An ordinance amending the Richland County Code of Ordinances; Chapter 2, Administration; article V, county departments; division 4,

planning and development services; and to add a new division entitled “4.A. Building codes and inspections”; so that a new county department will be created [PAGES 73-75]

- h. An Ordinance calling for a referendum and ballot question to authorize the South Carolina Department of Revenue to issue temporary permits for off-premises sales of beer and wine without regard to the days or hours of sale [PAGES 76-77]
- i. A budget amendment to transfer interest earned on the Vista TIF funds to the General Fund and appropriate an increase in the General Fund budget for legal and accounting fees by the amount of money previously spent to finalize the TIF agreement with the City of Columbia [CONSENT] [PAGES 78-79]

3. FIRST READING ITEM

- a. An Ordinance amending the Richland County code of ordinances, chapter 26, land development; article V, zoning districts and special requirements, and special exceptions; “manufacturing, mining, and industrial uses” of table 26-V-2; and article VI supplemental use standards; section 26-152, special exceptions; so as to permit a limited number of digital billboards in the GC, M-1, L1, HI zoning districts as special exceptions (one of three versions of this ordinance) [PAGES 80-101]
- b. An ordinance amending the Richland County code of ordinances; chapter 26, land development; article VII, general development, site, and performance standards; section 26-180, signs; so as to create a new section that would allow digital display devices (one of three versions of this ordinance) [SAVANNAH VERSION] [PAGES 102-103]
- c. An ordinance amending the Richland County code of ordinances; chapter 26, land development; article VII, general development, site and performance standards; section 26-180, signs; so as to create a new section that would allow digital display devices (one of three versions of this ordinance) [INDUSTRY VERSION] [PAGES 104-105]

4. REPORT OF THE RULES AND APPOINTMENTS COMMITTEE
[PAGE 106]

I. NOTIFICATION OF VACANCIES ON BOARDS, COMMISSIONS,
AND COMMITTEES

A. Accommodations Tax Committee-1

II. NOTIFICATION OF APPOINTMENTS TO BOARDS,
COMMISSIONS, AND COMMITTEES

- A. Business Service Center Appeals Board-4 [PAGES 107-111]
- B. Employee Grievance Committee-2
- C. Internal Audit Committee-1

III. DISCUSSIONS

- A. Presentations [PAGE 112]
- B. Motion Period [PAGE 113]

5. CITIZEN'S INPUT

6. EXECUTIVE SESSION

7. MOTION PERIOD

- a. Resolution honoring the "Auntie Karen" Foundation [MCEACHERN]

8. ADJOURNMENT

MINUTES OF



RICHLAND COUNTY COUNCIL ZONING PUBLIC HEARING TUESDAY, JANUARY 29, 2008 7:00 p.m.

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.

MEMBERS PRESENT:

Chair	Joseph McEachern
Vice-Chair	Valerie Hutchinson
Member	Joyce Dickerson
Member	Norman Jackson
Member	Damon Jeter
Member	Paul Livingston
Member	Bill Malinowski
Member	Mike Montgomery
Member	L. Gregory Pearce, Jr.
Member	Bernice G. Scott
Member	Kit Smith

OTHERS PRESENT: Michielle Cannon-Finch, Milton Pope, Joseph Kocy, Anna Almeida, Donny Phipps, Suzie Haynes, Larry Smith, Amelia Linder, Jennifer Dowden, Chief Harrell, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 7:06 p.m.

ADDITIONS/DELETIONS TO AGENDA

Mr. Kocy stated there were no additions or deletions.

TEXT AMENDMENT

An Ordinance temporarily extending staff review time for various actions required under the Richland County Code of Ordinances; Chapter 26, Land Development –

Mr. McEachern opened the floor to the public hearing.

No one signed up to speak.

The floor to the public hearing was closed.

Mr. Malinowski moved, seconded by Ms. Dickerson, to give First Reading approval to this item. The vote in favor was unanimous.

An Ordinance amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-141, Table of Permitted Uses with Special Requirements, and Special Exceptions; “Residential Uses” of Table 20-V-2.; and Article VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements; so as to limit multi-family use in the GC General Commercial District – Mr. Pearce moved, seconded by Ms. Scott, to defer the Public Hearing and this item until the February Zoning Public Hearing. The vote in favor was unanimous.

PLANNING COMMISSION UPDATE

Ms. Scott moved, seconded by Ms. Dickerson, to forward the three distributed ordinances regarding digital billboards to the February 19th meeting and advertise for a public hearing for March 4th. A discussion took place.

Ms. Smith made a substitute motion, seconded by Ms. Hutchinson, to accept the Planning Commission’s recommendation to table the issue of digital billboards until after the completion of the Federal DOT study.

<u>In Favor</u>	<u>Oppose</u>
Pearce	Jackson
Malinowski	Jeter
Hutchinson	McEachern
Smith	Livingston
Montgomery	Dickerson
	Scott

The substitute motion failed.

Ms. Scott called for the question.

<u>In Favor</u>	<u>Oppose</u>
Jackson	Pearce
Jeter	Malinowski
McEachern	Hutchinson
Livingston	Smith
Dickerson	Montgomery
Scott	

The main motion passed.

ADJOURNMENT

The meeting adjourned at approximately 7:41 p.m.

Submitted respectfully by,

Joseph McEachern
Chair

The minutes were transcribed by Michelle M. Onley

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, FEBRUARY 5, 2008 6:00 p.m.

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.

MEMBERS PRESENT:

Chair	Joseph McEachern
Vice Chair	Valerie Hutchinson
Member	Joyce Dickerson
Member	Norman Jackson
Member	Damon Jeter
Member	Paul Livingston
Member	Bill Malinowski
Member	Mike Montgomery
Member	L. Gregory Pearce, Jr.
Member	Bernice G. Scott
Member	Kit Smith

OTHERS PRESENT – Michelle Cannon-Finch, Milton Pope, Tony McDonald, Roxanne Matthews, Joe Cronin, Stephany Snowden, Jennifer Dowden, Tamara King, Larry Smith, Amelia Linder, Anna Almeida, Audrey Shifflett, Daniel Driggers, Teresa Smith, Andy Metts, Pam Davis, Donny Phipps, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 6:03 p.m.

INVOCATION

The Invocation was given by the Honorable Valerie Hutchinson

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Valerie Hutchinson

POINT OF PERSONAL PRIVILEGE – Mr. Pearce recognized his cousin's son was in the audience.

POINT OF PERSONAL PRIVILEGE – Ms. Dickerson thanked her colleagues who wore red in honor of the Red Dress Rally.

ADOPTION OF AGENDA

Mr. Jackson moved, seconded by Ms. Hutchinson, to approve the agenda as distributed. The vote in favor was unanimous.

APPROVAL OF MINUTES

Regular Session: January 22, 2008 – Ms. Hutchinson moved, seconded by Ms. Dickerson, to approve the minutes as distributed. The vote in favor was unanimous.

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

There were not items for Executive Session.

REPORT OF THE COUNTY ADMINISTRATOR

Farmers' Market – Mr. Pope stated that information had been forwarded to the State Budget and Control Board regarding the Farmers' Market, a Council subcommittee and a Legislative subcommittee has been appointed.

Presentation of Audit – Mr. Pope stated that Robert Millhouse was present to give a brief presentation of the audit. A worksession is to be scheduled to review the audit in more detail.

REPORT OF THE CLERK OF COUNCIL

No report was given.

REPORT OF THE CHAIRMAN

Retreat Overview – Mr. McEachern stated that the 2008 Retreat Goals were distributed to all the Council members and thanked staff for their hard work.

Ms. Hutchinson moved, seconded by Ms. Dickerson, to adopt the 2008 Retreat Goals. The vote in favor was unanimous.

PUBLIC HEARING ITEMS

Mr. McEachern opened the floor to the following public hearing:

- **An Ordinance authorizing extension of lease with the Richland County Recreation Commission regarding Ballentine Park – No one signed up to speak.**

The public hearing was closed.

APPROVAL OF CONSENT ITEMS

Mr. Pearce moved, seconded by Mr. Livingston, to approve the following consent items:

- **An Ordinance authorizing extension of lease with the Richland County Recreation Commission regarding Ballentine Park [Third Reading]**
- **An Ordinance temporarily extending staff review time for various actions required under the Richland County Code of Ordinances; Chapter 26, Land Development [Second Reading]**
- **Neighborhood Design Standards (Previously listed as Ordinance to create an Architectural Review Board)**
- **Request to approve Airport Commission recommendations**
- **Sanitary sewer main extension agreement for Kingston Village off-site gravity sewer (B & C Development Co., LLC)**
- **An Ordinance amending the Richland County Code of Ordinances; Chapter 12, Garbage, trash and refuse; Article III, Construction, modification, expansion, and/or operation of solid waste management facilities, beneficial landfills, and composting facilities, so as to repeal certain provisions [First Reading]**
- **Ordinance authorizing a quit-claim deed for 62 square feet on Hastings Alley [First Reading]**
- **Request to approve a grant from Palmetto Pride in the amount of \$6,000 for a community recycling event**
- **Business Service Center Ordinance Revisions: Hospitality Tax [First Reading]**
- **Business Service Center Ordinance Revisions: Tourism Development Fee [First Reading]**
- **An Ordinance amending the Richland County Code of Ordinances; Chapter 16, Licenses and miscellaneous business regulations; Article 1, in general, so as to amend the requirements pertaining to sexually oriented businesses, and make clarifications pertaining to all businesses [First Reading]**
- **Request to approve the purchase of Microsoft Software Assurance from ASAP SOFTWARE in an amount not to exceed \$118,501 [First Reading]**

- **Request to approve acceptance of a Hazardous Materials Emergency Preparedness (HMEP) training grant of \$5,000 from the S. C. Emergency Preparedness Division (No personnel, no match)**
- **Request to award construction contracts to Monteray Construction (\$1,722,000) for the construction of the Elders Pond EMS station and Tyler Construction Company (\$740,000) for construction of the Horrell Hill EMS station [First Reading]**
- **A budget amendment to increase the Board of Voter Registration Department budget by \$20,000 for the purpose of providing for part-time employees [First Reading]**

The vote in favor was unanimous.

REPORT OF THE DEVELOPMENT AND SERVICES COMMITTEE

Request to approve the expenditure of up to \$100,000 of the FY08 Electric Traffic Signal Program fund for the construction and installation of an electric traffic signal at the intersection of Summit Ridge Drive and Summit Parkway – Mr. Jeter moved, seconded by Mr. Montgomery, to approve this item with the stipulation that when funds are received from the CTC they will be used to replenish the Electric Traffic Signal Program fund. A discussion took place.

The vote was in favor with Ms. Scott voting nay due to her concern regarding the liability to the County.

REPORT OF THE ADMINISTRATION AND FINANCE COMMITTEE

Business Service Center Ordinance Revisions: Peddlers' Licenses – Mr. Malinowski moved, seconded by Mr. Montgomery, to approve this item with the following amendment: to remove the term "hawkers" from the ordinance. The vote in favor was unanimous.

A budget amendment to transfer interest earned on the Vista TIF funds to the General Fund and appropriate an increase in the General Fund budget for legal and accounting fees by the amount of money previously spent to finalize the TIF agreement with the City of Columbia – Mr. Livingston moved, seconded by Mr. Montgomery, to approve this item. The vote in favor was unanimous.

An Ordinance amending the Richland County Code of Ordinances; Chapter 2, Administration; Article V, County Departments; Division 4, Planning and Development Services; and to add a new division entitled "4.A. Building Codes and Inspections"; so that a new county department will be created – Mr. Jackson moved, seconded by Mr. Jeter, to change the language in Section 2-223 so that it is the same as the language in Section 2-217. A discussion took place.

Mr. Montgomery made a substitute motion, seconded by Mr. Pearce, to accept the committee's recommendation.

<u>In Favor</u>	<u>Oppose</u>
Pearce	Malinowski
Hutchinson	Jackson
McEachern	Jeter
Livingston	
Dickerson	
Smith	
Scott	
Montgomery	

The substitute motion passed.

An Ordinance calling for a referendum and ballot question to authorize the South Carolina Department of Revenue to issue temporary permits for off-premises sales of beer and wine without regard to the days or hours of sale – The committee recommended First Reading approval of this item. The vote was in favor.

Animal Care MOU with Lexington County (Motion requests that council place the bond ordinance and MOU on the agenda for the February 19, 2008 meeting – Mr. Montgomery moved, seconded by Ms. Scott, to hold a Special Called meeting on February 26th immediately prior to the Zoning Public Hearing to facilitate a public hearing regarding this matter. A discussion took place.

Mr. Livingston proposed the following amendment to the motion: to approve up to \$1.5 million contingent upon an agreement with Lexington County and a third party.

Mr. Montgomery accepted the amendment to the motion.

The vote was in favor.

REPORT OF THE SPECIAL CALLED DEVELOPMENT AND SERVICES COMMITTEE

An Ordinance amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VI, Supplemental use standards; Section 26-151, permitted uses with special requirements; subsection (c), standards; paragraph (66), sexually oriented businesses; so as to amend requirements pertaining to sexually oriented businesses – The committee recommended First Reading approval of this item. The vote in favor was unanimous.

Fire Agreement Extension with the City of Columbia – The committee recommended First Reading approval of this item. The vote in favor was unanimous.

REPORT OF THE RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

- a. **Building Codes Board of Adjustments and Appeals—1** – Mr. Montgomery stated that the committee recommended that staff advertise for this vacancy. The vote in favor was unanimous.

II. NOTIFICATION OF APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

- a. **Accommodations Tax Committee** – Mr. Montgomery stated there was one applicant and one vacancy. The committee recommended appointing Mr. Wallace B. Cunningham. The vote in favor was unanimous.

III. DISCUSSIONS

- a. **Motions Made During Motion Period** – Mr. Montgomery stated this item was held in committee until additional information had been received.
- b. **Presentations** – Mr. Montgomery stated this item was held in committee until additional information had been received.

ITEM DEFERRED FROM 1/22/08

Lower Richland Sewer Service – Mr. Jackson moved, seconded by Mr. Malinowski, to approve Option 3. A discussion took place.

The vote in favor was unanimous.

APPROVAL OF BUDGET CALENDAR

Mr. Jeter moved, seconded by Mr. Livingston, to approve this item. The vote in favor was unanimous.

CITIZENS' INPUT

No one signed up to speak.

EXECUTIVE SESSION

There were no items for Executive Session.

MOTION PERIOD

Ashley Ridge Road – Ms. Dickerson referred to the D&S Committee the cost of the County accepting Ashley Ridge Road.

Southeast Sports Complex – Mr. Jackson referred to the A&F Committee the exploration of a Southeast Sports Complex.

ADJOURNMENT

The meeting adjourned at approximately 7:26 p.m.

Joseph McEachern, Chair

Valerie Hutchinson, Vice-Chair

Joyce Dickerson

Norman Jackson

Damon Jeter

Paul Livingston

Bill Malinowski

Mike Montgomery

L. Gregory Pearce, Jr.

Bernice G. Scott

Kit Smith

The minutes were transcribed by Michelle M. Onley

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-08HR

AN ORDINANCE TEMPORARILY EXTENDING STAFF REVIEW TIME FOR VARIOUS ACTIONS REQUIRED UNDER THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT.

WHEREAS, the Planning and Development Services department is implementing a new digital tracking system to better serve the citizens of Richland County; and

WHEREAS, it will take a period of time (approximately one (1) year) to have the new tracking system installed and operating properly; and

WHEREAS, the Planning and Development Services department must review all applications for land development, subdivisions, and planned development for compliance and to facilitate any necessary formal reviews; and

WHEREAS, the Planning and Development Services department must provide the Richland County Council, Richland County Planning Commission, and the Development Review Team with reports and recommendations regarding matters before these boards, either as required by Chapter 26 of the Richland County Code of Ordinances, other laws and regulations, or upon the request of the body; and

WHEREAS, it has been determined that it is reasonable and appropriate to extend the staff review time to forty-five (45) business days in order to provide the Planning and Development Services department ample time to complete their reviews and/or make their reports and recommendations;

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 RICHLAND COUNTY COUNCIL:

SECTION I. Staff review time under the Richland County Code of Ordinances, Chapter 26, Land Development is hereby temporarily extended from ten (10) days to forty-five (45) business day for the following Code provisions:

- (a) Section 26-53, Land development permits; subsection (b), Processes; paragraph (1), Land development compliance review; subparagraph d, Staff review.

SECTION II. Staff review time under the Richland County Code of Ordinances, Chapter 26, Land Development is hereby temporarily extended from fifteen (15) days to forty-five (45) business day for the following Code provisions:

- (a) Section 26-54, Subdivision review and approval; subsection (b), Processes; paragraph (3), Major subdivision review; subparagraph d, Sketch plan review and approval; clause 1, Staff review.
- (b) Section 26-54, Subdivision review and approval; subsection (b), Processes; paragraph (3), Major subdivision review; subparagraph e, Preliminary subdivision plan review and approval; clause 2, Staff review; sub-clause [b], Development review team.

SECTION III. Staff review time under the Richland County Code of Ordinances, Chapter 26, Land Development is hereby temporarily extended from thirty (30) days to forty-five (45) business day for the following Code provisions:

- (a) Section 26-53, Land development permits; subsection (b), Processes; paragraph (2), Minor land development review; subparagraph d, Staff review.
- (b) Section 26-53, Land development permits; subsection (b), Processes; paragraph (3), Major land development review; subparagraph d, Staff review.
- (c) Section 26-54, Subdivision review and approval; subsection (b), Processes; paragraph (1), Administrative review; subparagraph d, Staff review.
- (d) Section 26-54, Subdivision review and approval; subsection (b), Processes; paragraph (1), Administrative review; subparagraph i, Approval validity/final plat/recordation.
- (e) Section 26-54, Subdivision review and approval; subsection (b), Processes; paragraph (2), Minor subdivision review; subparagraph d, Staff review.
- (f) Section 26-54, Subdivision review and approval; subsection (b), Processes; paragraph (2), Minor subdivision review; subparagraph i, Approval validity/final plat/recordation; clause 1, Final plat.
- (g) Section 26-54, Subdivision review and approval; subsection (b), Processes; paragraph (3), Major subdivision review; subparagraph d, Sketch plan review and approval; clause 1, Staff review; sub-clause [b], Development review team.
- (h) Section 26-54, Subdivision review and approval; subsection (b), Processes; paragraph (3), Major subdivision review; subparagraph f, Bonded subdivision plan review and approval; clause 2, Staff review.

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

SECTION VI. Effective Date. This ordinance shall be effective from and after _____, 2008, and shall expire on its own accord one (1) year from the effective date.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE ____ DAY

OF _____, 2008.

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: January 29, 2008
First Reading: January 29, 2008
Second Reading: February 5, 2008
Third Reading: February 19, 2008 (tentative)

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-08HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 12, GARBAGE, TRASH AND REFUSE; ARTICLE III, CONSTRUCTION, MODIFICATION, EXPANSION, AND/OR OPERATION OF SOLID WASTE MANAGEMENT FACILITIES, BENEFICIAL LANDFILLS, AND COMPOSTING FACILITIES, SO AS TO REPEAL CERTAIN PROVISIONS.

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

SECTION I. The Richland County Code of Ordinances, Chapter 12, Garbage, Trash and Refuse, Article III, Construction, Modification, Expansion, and/or Operation of Solid Waste Management Facilities, Beneficial Landfills, and Composting Facilities, is hereby amended to read as follows:

ARTICLE III. CONSTRUCTION, MODIFICATION, EXPANSION, AND/OR OPERATION OF SOLID WASTE MANAGEMENT FACILITIES, BENEFICIAL LANDFILLS, AND COMPOSTING FACILITIES

Section 12-41. Federal, state and local law.

All solid waste management facilities, beneficial landfills, and composting facilities shall adhere to all federal and state rules and regulations, and all local zoning, land use and other applicable local ordinances.

Sections 12-42 – 12-47. Reserved.

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

SECTION IV. This ordinance shall be enforced from and after _____, 2008.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE ____ DAY

OF _____, 2008

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: February 5, 2008
Second Reading: February 19, 2008 (tentative)
Public Hearing:
Third Reading:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-08HR

AN ORDINANCE AUTHORIZING A QUIT-CLAIM DEED TO “WE RENT PRETTY HOUSES, LLC” FOR A CERTAIN PARCEL OF LAND TOTALING SIXTY-TWO (62) SQUARE FEET LOCATED ALONG HASTINGS ALLEY, RICHLAND COUNTY, SOUTH CAROLINA, A PORTION OF TMS # 11203-03-29.

Pursuant to the authority 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. For and in consideration of the sum of \$1.00, the County of Richland and its employees and agents are hereby authorized to grant a quit-claim deed for a certain portion of land totaling sixty-two (62) square feet located along Hastings Alley, Richland County, South Carolina, a portion of TMS# 11203-03-29, to WE RENT PRETTY HOUSES, LLC, as specifically described in the attached quit claim deed, which is 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 _____, 2008.

RICHLAND COUNTY COUNCIL

By: _____
Joseph McEachern, Chair

Attest this _____ day of
_____, 2008.

Michielle R. Cannon-Finch
Clerk of Council

First Reading: February 5, 2008
Second Reading: February 19, 2008 (tentative)
Public Hearing:
Third reading:

AS DRAFTED FOR FIRST READING

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-08HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 23, TAXATION; ARTICLE VI, LOCAL HOSPITALITY TAX; SECTION 23-67, PAYMENT OF LOCAL HOSPITALITY TAX, SUBSECTION (C); SO AS TO SPECIFY THE DOCUMENTS THAT MUST ACCOMPANY EACH PAYMENT; AND AMENDING SECTION 23-73, VIOLATIONS AND PENALTIES.

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 23, Taxation; Article VI, Local Hospitality Tax; Section 23-67, Payment of Local Hospitality tax; Subsection (c); is hereby amended read as follows:

(c) The provider of services shall remit the local hospitality tax voucher form, a copy of the State of South Carolina sales tax computation form, and the hospitality taxes when due, to the County on the 20th of the month, or on the next business day if the 20th is not a business day.

SECTION II. The Richland County Code of Ordinances; Chapter 23, Taxation; Article VI, Local Hospitality Tax; Section 23-73, Violations and Penalties; is hereby amended read as follows:

Sec. 23-73. Violations and Penalties.

(a) It shall be a violation of this Article to:

- (1) fail to collect the Local Hospitality Tax as provided in this Article,
- (2) fail to remit to the County the Local Hospitality Tax collected, pursuant to this Article,
- (3) knowingly provide false information on the form of return submitted to the County, or
- (4) fail to provide books and records to the County Administrator or other authorized agent of the County for the purpose of an audit upon twenty-four (24) hours' notice.

(b) The penalty for violation of this Article shall be five percent (5%) per month, charged on the original amount of the Local Hospitality Tax due. Penalties shall not be waived.

AS DRAFTED FOR FIRST READING

(c) Any person violating the provision of this article shall be deemed guilty of a misdemeanor and upon conviction shall be subject to punishment under the general penalty provisions of Section 1-8 of this Code of Ordinances: that is, shall be subject to a fine of up to \$500.00 or imprisonment for not more than thirty (30) days or both. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent fees, penalties, and costs provided for herein.

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

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

SECTION V. Effective Date. This ordinance shall be effective from and after _____, 2008.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE ____ DAY
OF _____, 2008

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: February 4, 2008
Second Reading: February 19, 2008 (tentative)
Public Hearing:
Third Reading:

STAFFS' RECOMMENDED REVISIONS

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-08HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 23, TAXATION; ARTICLE VI, LOCAL HOSPITALITY TAX; SECTION 23-67, PAYMENT OF LOCAL HOSPITALITY TAX, SUBSECTION (C); SO AS TO SPECIFY THE DOCUMENTS THAT MUSY ACCOMPANY EACH PAYMENT; AND AMENDING SECTION 23-73, VIOLATIONS AND PENALTIES; AND CREATING A NEW SECTION ENTITLED "ASSESSMENTS".

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 23, Taxation; Article VI, Local Hospitality Tax; Section 23-67, Payment of Local Hospitality tax; Subsection (c); is hereby amended read as follows:

(c) The provider of services shall remit the local hospitality tax voucher form, a copy of the State of South Carolina sales tax computation form and/or other approved revenue documentation, and the hospitality taxes when due, to the County on the 20th of the month, or on the next business day if the 20th is not a business day.

SECTION II. The Richland County Code of Ordinances; Chapter 23, Taxation; Article VI, Local Hospitality Tax; Section 26-73, Violations and Penalties; is hereby amended to read as follows:

Sec. 26-73. Assessments of hospitality tax.

(a) When a person fails to pay their hospitality taxes or to furnish the information required by this Article or by the Business Service Center, a license official of the Business Service Center shall proceed to examine such records of the business or any other available records as may be appropriate and to conduct such investigations and statistical surveys as the license official may deem appropriate to assess a hospitality tax and penalties, as provided herein.

(b) A notice of such tax assessment shall be served by certified mail. Within five (5) business days after the notice is mailed, any person who desires to have the assessment adjusted must make application to the Business Service Center for a reassessment. The license official shall establish a procedure for hearing an application for a reassessment, and for issuing a notice of final assessment. A final assessment may be appealed to the Business Service Center Appeals Board, as described in Section 16-18 of this Code of Ordinances, provided that an application for reassessment was submitted within the allotted time period of five (5) business days. However, if no application for reassessment is submitted within the allotted time period, the assessment shall become final.

STAFFS' RECOMMENDED REVISIONS

SECTION III. The Richland County Code of Ordinances; Chapter 23, Taxation; Article VI, Local Hospitality Tax; is hereby amended to create a new section to read as follows:

Sec. 23-734. Violations and Penalties.

(a) It shall be a violation of this Article to:

- (1) fail to collect the Local Hospitality Tax as provided in this Article,
- (2) fail to remit to the County the Local Hospitality Tax collected, pursuant to this Article,
- (3) knowingly provide false information on the form of return submitted to the County, or
- (4) fail to provide books and records to the County Administrator or other authorized agent of the County for the purpose of an audit upon twenty-four (24) hours' notice.

(b) The penalty for violation of this Article shall be five percent (5%) per month, charged on the original amount of the Local Hospitality Tax due. Penalties shall not be waived.

(c) Any person violating the provision of this article shall be deemed guilty of a misdemeanor and upon conviction shall be subject to punishment under the general penalty provisions of Section 1-8 of this Code of Ordinances: that is, shall be subject to a fine of up to \$500.00 or imprisonment for not more than thirty (30) days or both. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent fees, penalties, and costs provided for herein.

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

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

SECTION VI. Effective Date. This ordinance shall be effective from and after _____, 2008.

STAFFS' RECOMMENDED REVISIONS

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE _____ DAY

OF _____, 2008

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: February 4, 2008
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Third Reading:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-08HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 16, LICENSES AND MISCELLANEOUS BUSINESS REGULATIONS; ARTICLE III, SOLICITORS, PEDDLERS AND HAWKERS.

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 1. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article III, Solicitors, Peddlers and Hawkers; is hereby amended to read as follows:

ARTICLE III. SOLICITORS AND PEDDLERS ~~AND HAWKERS~~

Section 16-28. Definitions.

Charitable organization means a person:

- (a) determined by the Internal Revenue Service to be a tax exempt organization pursuant to Section 501(c)(3) of the Internal Revenue Code; or
- (b) that is or holds itself out to be established for any benevolent, social welfare, scientific, educational, environmental, philanthropic, humane, patriotic, public health, civic, or other eleemosynary purpose, or for the benefit of law enforcement personnel, firefighters, or other persons who protect the public safety; or
- (c) that employs a charitable appeal as the basis of solicitation or an appeal that suggests that there is a charitable purpose to a solicitation, or that solicits or obtains contributions solicited from the public for a charitable purpose.

Charitable purpose means a purpose described in Section 501(c)(3) of the Internal Revenue Code or a benevolent, social welfare, scientific, educational, environmental, philanthropic, humane, patriotic, public health, civic, or other eleemosynary objective, including an objective of an organization of law enforcement personnel, firefighters, or other persons who protect the public safety if a stated purpose of the solicitations includes a benefit to a person outside the actual service membership of the organization.

~~Hawk or p~~*Peddle* means to offer goods for sale from door-to-door, or on the streets by outcry, or by attracting the attention of persons by exposing goods in a public

place, or by placards, labels, or signals.

Panhandle or panhandling means to go door-to-door or on the streets asking for monetary contributions for the personal benefit of the individual asking.

Person means an individual, an organization, a trust, a foundation, a group, an association, a partnership, a corporation, a society, or a combination of them.

Solicit and solicitation means to request and the request for money, credit, property, financial assistance, or other thing of value, or a portion of it, to be used for a charitable purpose or to benefit a charitable organization. A solicitation takes place whether or not the person making the request receives a contribution.

Section 16-29. Administration.

No person shall solicit, ~~or hawk~~ or peddle, anywhere in the unincorporated areas of Richland County unless they have met the requirements of this Article.

Section 16-30. Peddler's license required for non-charitable purposes.

(a) *License required.* Any person desiring to ~~hawk or~~ peddle goods, wares, and/or merchandise for non-charitable purposes, anywhere in the unincorporated area of the county, shall first acquire the state ~~hawkers and~~ peddlers license and meet all regulations pursuant to the provisions of Sections 40-41-10, et seq., S.C. Code of Laws as amended, and shall also meet all local and state laws and regulations.

(b) *Application for license.* An applicant for a ~~hawkers and~~ peddlers license shall be required to furnish information concerning his/her business, including, but not limited to the following: gross receipts, as reflected on federal tax returns, for the previous calendar year; type of merchandise sold; address of considered place of business; and companies, firms, or corporations with which the applicant is affiliated or for which s/he is a representative. Falsification of any information on a permit application shall be grounds for the revocation of any permit issued.

(c) *Location of business activity.* No person or business is authorized to peddle goods, wares, and/or merchandise of any kind on or in the County rights-of-way of highways and streets located within the unincorporated areas of the County.

(ed) *Fees.* The fee for a ~~hawkers and~~ peddlers license shall be fifty dollars (\$50.00) based upon the dollar value of gross receipts during the previous calendar year, as reflected on federal tax returns.

~~(1) The amount of fees payable annually shall be as follows:~~

~~a. On gross receipts not exceeding five thousand dollars (\$5,000) — thirty-six dollars (\$36).~~

~~b. — On each additional one thousand dollars (\$1,000) or fraction thereof
— five dollars (\$5).~~

~~(2) — For any applicant who has not been engaged in hawking or peddling during the entirety of the previous calendar year, the license fee shall be based on the average of monthly receipts while so engaged, times twelve (12).~~

~~(3) — For any applicant who has not been engaged in hawking or peddling during any portion of the previous calendar year, the license fee shall be thirty six dollars (\$36).~~

Section 16-31. Solicitation of charitable funds.

Any charitable organization desiring to solicit contributions within the unincorporated area of the county shall comply with the requirements of Sections 33-56-10, et seq., S.C. Code of Laws as amended.

Section 16-32. Permit required prior to soliciting funds from motorists.

(a) Only rescue squads, volunteer fire departments, and charitable organizations in this State may solicit funds from motorists on highways and streets located within the unincorporated area of the county.

(b) Prior to soliciting such funds, the organization shall apply for and acquire a permit from the County Council. All provisions of Section 5-27-910 of the S.C. Code of Laws, as amended, shall be followed.

(c) The organization shall complete the permit application form, including the specific date(s), time(s), and location(s) of the desired solicitation.

(d) No more than two (2) permits shall be issued to an organization in any one calendar year, and each permit shall be valid for no longer than seven (7) consecutive days.

Section 16-33. Panhandling prohibited.

No person shall engage in panhandling activities in the unincorporated areas of Richland County.

Section 16-34. Solicitation and/or peddling goods on county property.

In addition to the requirements of this Article, any person who wishes to solicit funds and/or peddle goods in county-owned buildings or on county-owned property, shall comply with the following:

(a) County employees shall first obtain approval from their department directors.

(b) All other persons shall first obtain approval from the County Administrator or the County Administrator's designee.

Section 16-35. Enforcement.

The County Administrator or other authorized agent of the County may make systematic inspections of people or businesses governed by this Article within the County to ensure compliance with this Article. Records of inspections shall not be deemed public records.

Section 16-36. Violations.

Any person violating any provision of this article shall be deemed guilty of a misdemeanor and upon conviction shall be subject to punishment under the general penalty provisions of Section 1-8 of this Code of Ordinances: that is, shall be subject to a fine of up to \$500.00 or imprisonment for not more than thirty (30) days or both. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent fees, penalties, and costs provided for herein.

Section 16-37 – 16-40. Reserved.

SECTION II. Severability. If any section, subsection, or clause of this article 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 VI. Effective Date. This ordinance shall be effective from and after _____, 2008.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE _____ DAY
OF _____, 2008

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: February 4, 2008
Second Reading: February 19, 2008 (tentative)
Public Hearing:
Third Reading:

**STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-08HR**

AN ORDINANCE AMENDING ORDINANCE NO. 96-096HR, WHICH ESTABLISHED A THREE PERCENT (3%) TOURISM FEE ON ALL BUSINESSES PROVIDING TRANSIENT ACCOMMODATIONS IN THE UNINCORPORATED AREA OF RICHLAND COUNTY. AND WHICH ESTABLISHED A SPECIAL REVENUE FUND TO ACCOUNT FOR THESE COLLECTIONS.

WHEREAS, Richland County Council enacted Ordinance No.96-096HR on December 3, 1996, effective on January 1, 1997; and

WHEREAS, Richland County Council has now determined that further revisions to Ordinance No. 96-096HR are needed; and

WHEREAS, the intention of these revisions is to, 1) designate the County Administrator or other authorized agent to enforce the ordinance; 2) designate that revenue and expenditures will be with the Richland County Tourism Development Fee Special Revenue Fund; 3) remove the cap on penalties (consistent with the County's business license ordinance and the handling of hospitality taxes); 4) clearly state that penalties will not be waived (consistent with the County's business license ordinance and the handling of hospitality taxes); and 5) make the violation section consistent with the County's business license ordinance and the handling of hospitality taxes;

NOW, THEREFORE, pursuant to the authority 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, that the Sections of Ordinance No. 96-096 shall be amended to read as follows:

SECTION I. DEFINITION: Accommodation is defined as any room (excluding meeting and conference rooms), campground spaces, recreational vehicles spaces, lodgings or sleeping accommodations furnished to transients by any hotel, motel, inn, condominium, "bed and breakfast", residence, or any other place in which rooms, lodgings, or sleeping accommodations are furnished for consideration within the unincorporated area of Richland County, South Carolina. The gross proceeds received from the lease or rental of sleeping accommodations supplied to the same person or persons for a period of thirty (30) continuous days are not considered proceeds from transients.

SECTION II. TOURISM DEVELOPMENT FEE. A uniform fee equal to three percent (3%) is hereby imposed on the gross proceeds derived from the rental of any accommodations within the unincorporated area of Richland County.

SECTION III. PAYMENT OF TOURISM DEVELOPMENT FEE. Payment of the tourism development fee established herein shall be the liability of the consumer of the services. The fee

shall be paid at the time of delivery of the services to which the fee applies, and shall be collected by the provider of the services. The County shall promulgate a form of return which shall be utilized by the provider of the services to calculate the amount of tourism development fees collected and due. This form shall contain a sworn declaration as to the correctness thereof by the provider of the services.

The provider of the services shall remit the form, a copy of the State of South Carolina sales tax computation form, and the tourism development fees due not later than the 20th of each month to the ~~Richland County Finance Department, 2020 Hampton Street, Columbia, South Carolina~~ 29204 Business Service Center.

SECTION IV. TOURISM DEVELOPMENT FEE SPECIAL REVENUE FUND. An interest bearing, segregated and restricted account to be known as the “Richland County Tourism Development Fee Special Revenue Fund” is hereby established. All revenues received from the tourism development fee shall be deposited into this fund. The principal and any accrued interest in this fund shall be expended only as permitted by this Ordinance.

SECTION V. DISTRIBUTION OF FUNDS.

- (a) All fund placed in the Richland County Tourism Development Fee Special Revenue Fund including accrued interest shall be expended only for the purpose of investigating the feasibility of the construction of public meeting facilities, the construction of public meeting facilities and for other enhancements to services used by tourists and convention delegates in Richland County. Any such expenditure shall be authorized by a subsequent ordinance indicating a specific amount and purpose by the Richland County Council.
- (b) (1) No funds shall be expended until the impact of any such expenditure on the operation of the Township Auditorium has been determined;
- (2) The county shall not be held liable for any operating deficit of any facilities beyond the amount generated by this fee;
- (3) An agreement be reached that the City of Columbia sewer and water rates shall not be increased for County residents to offset any operating deficits incurred by any facility constructed and operated with these funds.
- (c.) In the event an ordinance has not been enacted by this Council to expend these funds in compliance with paragraph A, the funds would then revert to the general Accommodations Tax Fund and this act be repealed.

SECTION VI. INSPECTIONS, AUDITS, AND ADMINISTRATION. For the purpose of enforcing the provisions of this Ordinance, the ~~Director of Finance~~ County Administrator or other authorized agent of the County is empowered to enter upon the premises of any person subject to this Ordinance and to make inspections, examine and audit books and records. It shall be unlawful for any person to fail or refuse to make available the necessary books and records during normal business hours upon twenty-four (24) hours written notice. In the event an audit reveals that false information has been filed by the remitter, the cost of the audit shall be added to

to the correct amount of fees determined to be due.

All operational and administrative costs associated with the billing and collection of this tourism development fee ~~will~~ may be charged to the ~~Richland County Finance Department~~ and will be paid for from the earned interest to the County “Richland County Tourism Development Fee Special Revenue Fund.” The ~~Finance Director~~ County Administrator or other authorized agent of the County may make systematic inspections of all accommodations within the County to ensure compliance with this Ordinance. Records of inspections shall not be deemed public records.

SECTION VII. ASSESSMENTS OF TOURISM DEVELOPMENT FEE. When a person fails to pay their Tourism Development Fees or to furnish the information required by this Ordinance or by the Business Service Center, a license official of the Business Service Center shall proceed to examine such records of the business or any other available records as may be appropriate and to conduct such investigations and statistical surveys as the license official may deem appropriate to assess a Tourism Development Fee and penalties, as provided herein.

A notice of such assessment shall be served by certified mail. Within five (5) business days after the notice is mailed, any person who desires to have the assessment adjusted must make application to the Business Service Center for a reassessment. The license official shall establish a procedure for hearing an application for a reassessment, and for issuing a notice of final assessment. A final assessment may be appealed to the Business Service Center Appeals Board, provided that an application for reassessment was submitted within the allotted time period of five (5) business days. However, if no application for reassessment is submitted within the allotted time period, the assessment shall become final.

SECTION VIII. VIOLATIONS AND PENALTIES.

(1) It shall be a violation to:

- a. Fail to collect the tourism development fee in connection with the rental of any accommodations to transients,
- b. Fail to remit to the County of Richland the tourism development fee collected, pursuant to this Ordinance on a monthly basis,
- c. Knowingly provide false information on the form of return submitted to the County of Richland, and/or
- d. Fail to provide books and records to the ~~Richland County Finance Department~~ County’s authorized agent for the purpose of an audit upon twenty-four (24) hours written notice.

(2) Penalties. The penalty for violation of this ordinance shall be five percent (5%) per month, charged on the original amount of the tourism development fee due, ~~up to a maximum of 100%.~~ Penalties shall not be waived. Additionally, violators may be deemed guilty of a misdemeanor, subject to a \$500 fine and/or imprisonment for up to thirty (3) days for violation of this Ordinance.

(3) Violations. Any persons violating the provision of this article shall be deemed guilty of a misdemeanor and upon conviction shall be subject to punishment under the general penalty provisions of Section 1-8 of this Code of Ordinances: that is, shall be subject to a fine of up to \$500.00 or imprisonment for not more than thirty (30) days or both. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent fees, penalties, and costs provided for herein.

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

SECTION XI. Effective Date. This ordinance shall be enforced from and after _____, 2008

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE ____ DAY

OF _____, 2008

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: February 5, 2008

Second Reading: February 19, 2008 (tentative)

Public Hearing:

Third Reading:

ORDINANCE AS IT RECEIVED FIRST READING

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-08HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 16, LICENSES AND MISCELLANEOUS BUSINESS REGULATIONS; ARTICLE 1, IN GENERAL, SO AS TO AMEND REQUIREMENTS PERTAINING TO SEXUALLY ORIENTED BUSINESSES, AND MAKE CLARIFICATIONS PERTAINING TO ALL BUSINESSES.

WHEREAS, sexually oriented businesses require special supervision from the public safety agencies of the County in order to protect and preserve the health, safety, and welfare of patrons of such businesses as well as citizens of the County; and

WHEREAS, upon review of numerous studies, case law, analyses, and observations, the County concludes that sexually oriented businesses, as a category of business, are associated with a wide variety of negative secondary effects, including but not limited to, personal and property crimes, public safety risks, prostitution, potential spread of disease, lewdness, public indecency, illicit sexual activity, illicit drug use and drug trafficking, undesirable and criminal behavior associated with alcohol consumption, adverse impacts on surrounding properties, litter, and sexual assault and exploitation; and

WHEREAS, the Richland County Council has a substantial government interest in minimizing and controlling these adverse effects and thereby protecting the health, safety and welfare of the citizenry; protect the citizens from crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and deter the spread of urban blight; and

WHEREAS, the County's interest in regulating sexually oriented businesses extends to future secondary effects that could occur in the County related to current sexually oriented businesses as well as sexually oriented businesses that may locate in the County in the future; and

WHEREAS, the County recognizes its constitutional duty to interpret, construe, and amend its laws and ordinances to comply with constitutional requirements as they are announced; and

WHEREAS, it is not the intent of this ordinance to suppress any speech activities protected by the United States Constitution or the South Carolina Constitution, but to enact an ordinance to further the content-neutral governmental interests of the County, to wit, the controlling of secondary effects of sexually oriented businesses.

NOW, THEREFORE, pursuant to the authority 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:

ORDINANCE AS IT RECEIVED FIRST READING

SECTION 1. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-1, License Required; is hereby amended to read as follows:

Section 16-1. License Required.

- (1) — Every person engaged or intending to engage in any calling, business, occupation or profession, whether or not it is listed in the rate classification index portion of ~~this chapter~~ the Business License Fee Schedule, in whole or in part, within the unincorporated areas of the county is required to submit a completed application for a business license accompanied by the appropriate fees for the privilege of doing business in the county and to obtain a business license as herein provided, except those as noted in Section 16-7.

- (2) — ~~Any business holding a state occupational license or registering with the Secretary of State's Office listing an address in unincorporated Richland County creates a presumption of business conduct and thus requires the business to have a business license. Other State agencies, professional organizations, or County departments who have a record for the business listing an address in unincorporated Richland County also create a presumption of business conduct and requires the business to have a business license.~~

SECTION II. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-2, Definitions; is hereby amended to read as follows:

Section 16-2. Definitions.

The following words, terms, and phrases, when used in this article shall have the meaning ascribed herein, except where the context clearly indicates or requires a different meaning:

- (1) “*Business*” means a calling, occupation, profession or activity engaged in with the object of gain, benefit or advantage, either directly or indirectly. A charitable organization shall be deemed a business unless the entire proceeds of its operation are devoted to charitable purposes.

- (2) “*Charitable organization*” means a person:
 - (a) determined by the Internal Revenue Service to be a tax exempt organization pursuant to Section 501(c)(3) of the Internal Revenue Code; or

 - (b) that is or holds itself out to be established for any benevolent, social welfare, scientific, educational, environmental, philanthropic, humane, patriotic, public health, civic, or other eleemosynary purpose, or for the benefit of law

ORDINANCE AS IT RECEIVED FIRST READING

enforcement personnel, firefighters, or other persons who protect the public safety; or

- (c) that employs a charitable appeal as the basis of solicitation or an appeal that suggests that there is a charitable purpose to a solicitation, or that solicits or obtains contributions solicited from the public for a charitable purpose.
- (3) “*Charitable purpose*” means a purpose described in Section 501(c)(3) of the Internal Revenue Code or a benevolent, social welfare, scientific, educational, environmental, philanthropic, humane, patriotic, public health, civic, or other eleemosynary objective, including an objective of an organization of law enforcement personnel, firefighters, or other persons who protect the public safety if a stated purpose of the solicitations includes a benefit to a person outside the actual service membership of the organization.
- (4) “*Classification*” means a division of businesses by major groups subject to the same license rate as determined by a calculated index of ability to pay based on national averages, benefits, equalization of tax burden, relationships of services, or other basis deemed appropriate by County Council.
- (5) “*Construction Manager*” means any self-employed individual, firm, partnership, corporation, or group which supervises or coordinates construction of any building, highway, sewer, grading, improvement, re-improvement, structure, or part thereof. Notwithstanding payment by fixed price, commission, fee, or wage, said “construction manager” shall be classified in the category of “construction contractors” for purposes of this article and shall pay a license fee based upon the total cost of the undertaking supervised or coordinated, except as otherwise exempted.
- (6) “*Contractor*” means any self-employed individual (not reporting income taxes on the IRS Form W2), firm, partnership, corporation, or group performing a service or providing a product subsequent to a contract signed by that party and another party.
- (7) “*County*” means the County of Richland.
- (8) “*Drinking Place*” means any business which obtains the majority, not necessarily at least 50.1%, of its gross income from the sale or provision of alcohol.
- (89) “*Gross income*” means the total revenue of a business, received or accrued, for one (1) calendar or fiscal year, collected or to be collected by a business within the county, excepting therefrom business done wholly outside of the county on which a license fee is paid to some other county or a municipality and fully reported to Richland County.

Gross income for brokers or agents means gross commissions received or

ORDINANCE AS IT RECEIVED FIRST READING

retained, unless otherwise specified. Gross income for business license fee purposes shall not include taxes collected for a governmental entity (such as sales taxes), escrow funds, or funds that are the property of a third party. The value of bartered goods or trade-in merchandise shall be included in gross income. The gross income for business license purposes may be verified by inspection of returns and reports filed with the Internal Revenue Service, the South Carolina Department of Revenue, the South Carolina Department of Insurance, or other government agency.

- (910) "*Gross receipts*" means the value proceeding or accruing from the sale of tangible personal property, including merchandise and commodities of any kind and character and all receipts, by the reason of any business engaged in, including interest, dividends, discounts, rentals of real estate or royalties, without any deduction on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid, or any other expenses whatsoever, and without any deductions on account of losses.
- (11) "Insurance company" refers to a businesses which meets the definition established in South Carolina Code of Laws, § 38-1-20, Definitions: an insurer defined as "any corporation, ... or aggregation of individuals engaging or proposing or attempting to engage as principals in any kind of insurance [defined as a "contract whereby one undertakes to indemnify another or pay a specified amount upon determinable contingencies"] or surety business, including the exchanging of reciprocal or interinsurance contracts between individuals, partnerships, and corporations", and does not meet the criteria for a health maintenance organization as covered by South Carolina Code of Laws, § 38-33-140(D).
- (4012) "*License official*" means a county employee who is designated to administer this article, and/or his/her designee(s).
- (4113) "*Person*" means any individual, firm, partnership, LLP, LLC, cooperative, nonprofit membership, corporation, joint venture, professional association, estate, trust, business trust, receiver, syndicate, holding company, or other group or combination acting as a unit, in the singular or plural, and the agent or employee having charge or control of a business in the absence of the principals.
- (14) "Sexually Oriented Business" means a sexually oriented business as defined within Section 26-22 of the Richland County Code of Ordinances.

SECTION III. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-3, Purpose and Duration; is hereby amended to read as follows:

Section 16-3. General Purpose and Duration.

ORDINANCE AS IT RECEIVED FIRST READING

- (1) The requirement of a business license levied by this article is for the purpose of assuring that a business conducted within unincorporated Richland County complies with all applicable County regulations and requirements in order to protect the health, safety and welfare of the citizens of the County providing such regulation as may be required by the businesses subject thereto and for the purpose of raising revenue for the general fund through a privilege tax. Each license that is issued shall be valid for one calendar year, beginning on January 1 and expiring on December 31. This time period shall be considered a license year. The provisions of this article and the rates set out in this article shall remain in effect from year to year as amended by the County Council. Additionally, the requirement of a business license fee levied by this article serves to establish an excise tax for the privilege of doing business within unincorporated Richland County.

- (2) Each license that is issued shall be valid for one calendar year, beginning on January 1 and expiring on December 31. This time period shall be considered a license year. The provisions of this article and the rates set out in this article shall remain in effect from year to year as amended by the County Council.

SECTION IV. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-6, Registration Required; is hereby amended to read as follows:

Section 16-6. Registration Required.

- (1) The owner, agent, or legal representative of every business subject to this article, whether listed in the classification index or not, shall register the business and make application for a business license on or before the due date of each year. A new business shall be required to have a business license prior to operation within any unincorporated area of the county.

- (2) Application shall be on a form provided by the License Official, which shall contain the Social Security Number and/or the Federal Employer's Identification Number, the South Carolina Retail License Number (if applicable), the business name as reported on the South Carolina income tax return, the business name as it appears to the public at the physical location, and all information about the applicant and the business deemed reasonably necessary ~~appropriate~~ to carry out the purpose of this article by the License Official. Applicants may be required to submit copies of portions of state and federal income tax returns reflecting gross income figures.

- (3) The applicant shall certify ~~under oath~~ that the information given in the application is true, that the gross income is accurately reported, or estimated for a new business, without any unauthorized deductions, that all funds due to the County have been paid, and that all other licenses and permits required by the County or State to do business in the County have been obtained.

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(4) ~~No business license shall be issued until the applicant satisfies all indebtedness to the County, has obtained all other licenses and/or permits required by the County or State to do business in the County, have been obtained, first submits documents necessary to establish compliance with Richland County Zoning Ordinance, Building Code, Electrical Code, Mechanical Code, Plumbing Code, Roofing Code and other regulatory Codes as adopted by the County Council and paid in full any associated license and permit fees or business-related fees and taxes, including any late fees or penalties.~~

(5) As a prerequisite to submittal of a business license application, the premises and real property to be used as a business must be in compliance with all applicable state and local health, fire, zoning and building codes or regulations. The applicant must submit to the License Official any documentation in the possession of the applicant or that can be reasonably obtained by the applicant that shows that the premises is currently in compliance with the Richland County Zoning Ordinance, Building Code, Electrical Code, Mechanical Code, Plumbing Code, Roofing Code and other applicable regulatory Codes as adopted by the County Council.

The License Official may provide a form on which compliance shall be certified by the officials administering the aforementioned codes or regulations. In the event that such a compliance form is used, the applicable aforementioned officials shall determine compliance with their respective codes or regulations and inform the License Official of their determination within thirty (30) calendar days from the earliest date of receipt of the compliance form by any one of the health, fire, zoning and building officials.

If the License Official does not receive a particular determination of compliance from an official administering the aforementioned codes and regulations on or before this thirty-day time period, that compliance determination not received by the License Official shall be deemed approved. All other compliance determinations received before the thirty-day period expires shall be unaffected by any other compliance determination that fails to meet the thirty-day time period.

(56) Insurance agents and brokers shall report the name of each insurance company for which a policy was issued and the total premiums collected for each company for each type of insurance coverage on a form approved by the License Official. An insurance agent not employed by an insurance company or employed by more than one insurance company shall be licensed as a broker.

(67) Fireworks Sales: Any establishment desiring to sell fireworks must first acquire the Annual State Board of Pyrotechnic Safety License and must meet all regulations pursuant to the provisions of Regulation 19-405, S.C. Code of Laws for 1976. Prior approval of the Richland County Sheriff's Department is required

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as governed by regulations of the State Fire Marshal pursuant to the 1976 Code, Chapter 9 of Title 23, and Chapter 43 of Title 39, governing the transportation and use of pyrotechnics.

- (78) Miscellaneous Sales (Antique Malls, Flea Markets or Leased Space Sales): Any person leasing space for the sale of merchandise from an established business shall be required to have a business license, whether or not the sales are made through a central cash register. Furthermore, it shall be the responsibility of the ~~lesor~~ lessor of the spaces to advise the business license office of persons leasing space.

SECTION V. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-7, Deductions, Exemptions, Charitable Organizations, and Determination of Classification; Subsection (2); is hereby amended to read as follows:

- (2) (a) No person shall be exempt from the requirements of this article by reason of the lack of an established place of business within the County, unless exempted by State or Federal law. ~~No person shall be exempt from this article by reason of the payment of any other tax or fee, unless exempted by State law, and no person shall be relieved of the liability for the payment of any other tax or fee by reason of the application of this article. The following businesses, occupations or professions are exempt from the requirements of this article:~~
1. Teachers;
 2. Ministers, pastors, preachers, rabbis and other leaders of religious faiths;
 3. Telephone, telegraph, gas and electric and other utilities or providers regulated by the South Carolina Public Service Commission;
 4. Insurance companies; and
 5. An entity which is exempt from license tax under any state law other than South Carolina Code of Laws, § 4-9-30(12), or a subsidiary or affiliate of any such exempt entity.
- (b) ~~No person shall be exempt from this article by reason of the payment of any other tax or fee, unless exempted by State law, and no person shall be relieved of the liability for the payment of any other tax or fee by reason of the application of this article.~~

SECTION VI. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-15, Denial of License; Subsection (1); is hereby amended to read as follows:

- (1) The License Official ~~may~~ shall deny a license to an applicant ~~when~~ if:

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- (a) the application is incomplete;
- (b) the application contains a misrepresentation, false or misleading statement, evasion or suppression of a material fact;
- (c) the applicant has given a bad check or tendered illegal consideration for any license fee;
- (d) within five years from the date of application, the applicant has been convicted of or pled guilty or nolo contendere any crime(s) or offense(s) under a law or article regulating or relating to business, a crime involving moral turpitude, or an unlawful sale of merchandise or prohibited goods; South Carolina Code of Laws, Title 16, Crimes and Offenses, Chapter 13, Forgery, Larceny, Embezzlement, False Pretenses and Cheats; Chapter 14, the Financial Transaction Card Crime Act; or South Carolina Code of Laws, § 39-15-1190, Sale of Goods or Services with a Counterfeit Mark; or the same crime or offense in another jurisdiction;
- ~~(e) the applicant has been convicted of engaging in an unlawful activity or nuisance related to the business;~~
- (e) the premises and parcel of real property to be used for the business activity for which a license is sought is not in compliance with applicable state and/or local health, fire, zoning, and building codes and regulations.
- (f) the business activity for which a license is sought by a business is unlawful or constitutes a public nuisance per se; or
- ~~(g) the business, regardless of ownership, has proven to be a public nuisance; or~~
- (g) the business constitutes a public nuisance as determined by a court of law.
- ~~(h) the business owner has proven to be a public nuisance.~~

A decision of the License Official shall be subject to appeal to the Business Service Center Appeals Board as herein provided. Denial shall be written with reasons stated.

SECTION VII. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-16, Sexually Oriented Businesses, Drinking Places, or other similar establishments; is hereby amended to read as follows:

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Section 16-16. Sexually Oriented Businesses, Drinking Places, or other similar establishments.

- ~~(1) No license to operate a sexually oriented business, drinking place, or other similar establishment shall be issued to, or in the name of, a corporation, association, or a trade name as such. Any application for a corporation, association, or trade name shall be made by the officers for its use, and such officers shall identify in the application the name by which the business will be operated. In addition, such officers in making an application shall be held to assume all responsibility there under as individuals, and shall be subject to all the provisions and penalties set forth herein or in any other article of the Richland County Code of Ordinances.~~
- ~~(2) No person shall be eligible for such license if he/she or the person who will have actual control and management of the business proposed to be operated:
 - (a) is a minor;
 - (b) is not of good repute, as evidenced by a background check or by conducting a reference check with law enforcement agencies; or
 - (c) has had a license revoked or denied under the provisions of this article within a three year period immediately preceding the filing of the application.~~
- ~~(3) Applicants for businesses herein described, in addition to the license application(s) required under Section 16-1 of this article, shall complete a sworn, notarized statement on a form prepared by the License Official for the purpose of establishing his/her qualifications to operate a business identified in this section. The owner(s) of the premises whereon such business is proposed to be located shall signify their consent to the application by signing and notarizing the form in an appropriate place provided therein or on a separate form established for this purpose.~~
- ~~(4) Owners of sexually oriented businesses, and/or drinking establishments are responsible for ensuring all their contractors have current, valid business licenses and maintain a list of their current contractors' names, business license numbers, and a copy of a photo ID for each contractor on file.~~
- (1) No license to operate a drinking place shall be issued to, or in the name of, a corporation, association, or a trade name as such. Any application for a corporation, association, or trade name shall be made by the officers for its use, and such officers shall identify in the application the name by which the business will be operated. In addition, such officers in making an application shall be held to assume all responsibility there under as individuals, and shall be subject to all the provisions and penalties set forth herein or in any other article of the Richland County Code of Ordinances.
- (2) In addition to the reasons for denial of a license set forth in Section 16-15 of this article, the License Official shall deny a business license to an applicant for a

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Drinking Place if the applicant or an agent of such applicant who has or will have actual authority to control and manage the business proposed to be operated:

- (a) is a minor;
- (b) has had an alcohol liquor license issued in the name of the applicant or other officer pursuant to South Carolina Code of Laws, § 61-6-10 et seq. suspended, revoked, or not renewed within a two-year period immediately preceding the filing of the application; or
- (c) has had a license revoked or denied under the provisions of this article within a three-year period immediately preceding the filing of the application.

SECTION VII. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-17, Suspension or Revocation of License; is hereby amended to read as follows:

Section 16-17. Sexually Oriented Businesses.

- (1) The purpose of this section is to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of the citizens of Richland County, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the County. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of or reasonable access to any communicative materials or expression. Similarly, it is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials or expression protected by the First amendment of the United States Constitution, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution or exhibition of obscenity.
- (2) Based on evidence of the adverse secondary effects of sexually oriented businesses presented in hearings and reports made available to the Richland County Council, and on the findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, LLC*, 124 S. Ct. 2219 (2003); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *Pap's A.M. v. City of Erie*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *Chesapeake B & M, Inc. v. Harford County*, 58 F.3d 1005 (4th Cir. 1995); *Centaur v. Richland County*, 392 S.E.2d 165 (S.C. 1990); and other cases; and on reports of secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Phoenix, Arizona (1979); Minneapolis, Minnesota (1980); Houston, Texas (1987); Indianapolis, Indiana (1984); Amarillo, Texas (1977); Garden Grove, California (1991); Los Angeles, California (1977); Whittier, California

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(1978); Austin, Texas (1986); Seattle, Washington (1989); Oklahoma City, Oklahoma (1986); Dallas, Texas (1997); Newport News, Virginia (1996); New York Times Square Study (1994); Phoenix, Arizona (1995-1998); Centralia, Washington 2004; Greensboro, North Carolina (2003); and also from the reports of "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, January 12, 2000; and the Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota), the Richland County Council finds:

- (a) Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, public safety risks, prostitution, potential spread of disease, lewdness, public indecency, illicit sexual activity, illicit drug use and drug trafficking, undesirable and criminal behavior associated with alcohol consumption, negative impacts on surrounding properties, litter, and sexual assault and exploitation.
- (b) Each of the foregoing negative secondary effects constitutes a harm which the County has a substantial government interest in preventing and/or abating in the future. This substantial government interest in preventing secondary effects, which is the County's rationale for this ordinance, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the County's interest in regulating sexually oriented businesses extends to future secondary effects that could occur in the County related to current sexually oriented businesses in the future as well as sexually oriented businesses that may locate in the County in the future. The County finds that the cases and secondary effects documentation relied on in this ordinance are reasonably believed to be relevant to said secondary effects.
- (3) No license to operate a sexually oriented business shall be issued to, or in the name of, a corporation, association, or a trade name as such. Any application for a corporation, association, or trade name shall be made by the officers for its use, and such officers shall identify in the application the name by which the business will be operated. In addition, such officers in making an application shall be held to assume all responsibility there under as individuals, and shall be subject to all the provisions and penalties set forth herein or in any other article of the Richland County Code of Ordinances.
- (4) The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.

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- (5) During the time in which an application for a pre-existing Sexually Oriented Business is pending, the applicant may continue its business activity and shall not be subject to citations for violations of any provision of this article, nor any enforcement proceedings pursuant to this article or Section 1-8 of this Code of Ordinances.
- (6) The License Official shall approve or deny an application for a license for a Sexually Oriented Business within thirty days (30) calendar days from the date of receipt of the application. If the License Official fails to either approve or deny the application within thirty calendar days, then the application shall be deemed approved and business activity may begin or continue immediately, notwithstanding the fact that no license has been issued.
- (7) In addition to the reasons for denial of a license set forth in Section 16-15 of this article, the License Official shall deny a business license to an applicant for a Sexually Oriented Business if the applicant or an agent of such applicant who has or will have actual authority to control and manage the business proposed to be operated:
- (a) is under the age of eighteen;
 - (b) within five years of the date of application, has been convicted of or pled guilty or nolo contendere to any of the following crimes: South Carolina Code of Laws, § 16-15-90, § 16-15-100, § 16-15-305, § 16-15-325, § 16-15-335, § 16-15-342, § 16-15-345, § 16-15-355, § 16-15-365, § 16-15-385, § 16-15-387, § 16-15-395, § 16-15-405, § 16-15-410, § 16-15-415, or § 16-15-425, or of the same crime in any other jurisdiction.
- (8) Applicants for a Sexually Oriented Business herein described, in addition to the license application(s) required under Section 16-1 of this article, shall complete a sworn, notarized statement on a form prepared by the License Official for the purpose of establishing his/her qualifications to operate a business identified in this section.
- (9) Owners of sexually oriented businesses are responsible for ensuring all their contractors have current, valid business licenses and maintain a list of their current contractors' names, business license numbers, and a copy of a photo ID for each contractor on file.

SECTION VIII. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-18, Appeals; is hereby amended to read as follows:

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Section 16-18. Revocation of License.

When the License Official determines that:

- (a) a license has been mistakenly or improperly issued or issued contrary to law; or
- (b) a licensee has breached any condition upon which the license was issued or has failed to comply with any provision of this article; or
- (c) a licensee has obtained a license through a fraud, misrepresentation, a false or misleading statement, evasion or suppression of a material fact in the license application; ~~or has given a bad check or tendered illegal consideration for any license fee; or~~
- (d) has given a bad check or tendered illegal consideration for any license fee; or
- ~~(d) a licensee has been convicted of an offense under a law or article regulating or relating to business, a crime involving moral turpitude, or an unlawful sale of merchandise or prohibited goods; or~~
- ~~(e) a licensee has been convicted of engaging in an unlawful activity or nuisance related to the business; or~~
- (f) the business activity for which a license was obtained has proven to be a public nuisance as determined by a court of law ~~per se~~; or
- (g) the business, ~~regardless of ownership~~, has proven to be a public nuisance as determined by a court of law; or
- ~~(h) The business owner has proven to be a public nuisance;~~

~~the License Official shall give written notice to the licensee or the person in control of the business within the County by personal service or certified mail that the license is suspended pending a hearing before the Business Service Center Appeals Board for the purpose of determining whether the license should be revoked. The notice shall state the time and place at which the hearing is to be held, which shall be within thirty (30) days from the date of service of the notice, or as soon as reasonably possible. The notice shall contain a brief statement of the reasons for suspension and proposed revocation and a copy of the applicable provisions of this article.~~

the License Official shall give written notice of intent to revoke to the licensee or the person in control of the business within the County by personal service or certified mail stating the License Official's basis for revocation and setting forth a date and time for a hearing before the Business Service Center Appeals Board for the purpose of determining whether the license should be revoked. The hearing shall be held within thirty (30) days from the date of service of the notice. A licensee who received proper notice yet fails to

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appear or defend at the revocation hearing waives his or her right to contest the revocation.

SECTION IX. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-19, Consent, Franchise or Business License Fee Required; is hereby amended to read as follows:

Section 16-19. Appeals.

- (1) Any person aggrieved by a final assessment, charge backs from an audit, or a revocation or a denial of a business license by the License Official wishing to appeal ~~may~~ must first appeal the decision to the Business Service Center Appeals Board by written request stating the reasons therefore. The appeal must be filed with the License Official within ten calendar (10) days after the ~~payment of the assessment, or the charge backs of the audit, under protest~~ or notice of revocation or denial is received by the business. A written notice of appeal must be accompanied by an administrative fee (which shall be determined by the License Official) that will be used to partially defray the costs incurred in connection with the administration of appeals. Payment under protest of the assessment or audit charge backs shall be a condition precedent to appeal. The fee will be refunded in the event of final resolution of the appeal in favor of the appellant.
- (2) An appeal or a hearing on revocation shall be held by the Appeals Board within thirty (30) calendar days, ~~or as soon as reasonably possible,~~ after receipt of a request for appeal or service of notice of suspension. The applicant or licensee shall be given written notice as to the date and time of the meeting. At the meeting, all parties have the right to be represented by counsel, to present testimony and evidence, and to cross-examine witnesses. The proceedings shall be recorded and transcribed at the expense of the party so requesting. The rules of evidence and procedure prescribed by the Board shall govern the hearing.

The Board shall, by majority vote of members present, render a written decision based upon findings of fact and the application of the standards herein which shall be served upon all parties or their representatives within fifteen (15) calendar days, ~~or as soon as reasonably possible,~~ after the hearing. The decision of the Board shall be final unless appealed to County Council within ten (10) calendar days after service of the Board's decision. County Council shall review the record and without further hearing affirm, modify, or deny the appeal in the event of an error of fact by the Board. The decision of Council shall be final unless appealed to a court of competent jurisdiction within ten (10) calendar days after service of the County Council's decision.

SECTION X. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-20, Confidentiality; is hereby amended to read as follows:

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Section 16-20. Consent, Franchise or Business License Fee Required.

The annual fee for use of streets or public places authorized by a consent agreement or franchise agreement shall be set pursuant to the agreement, and shall be consistent with limits set by State law. Existing franchise agreements shall continue in effect until expiration dates in the agreements. Franchise and consent fees shall not be in lieu of or be credited against business license fees unless specifically provided by the franchise or consent agreement.

SECTION XI. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-21, Violations; is hereby amended to read as follows:

Section 16-21. Confidentiality.

Except in accordance with proper judicial order, pursuant to an appeal, or as otherwise provided by law, it shall be unlawful for any official or employee to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any report or return required under this article. Nothing in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns.

SECTION XII. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; is hereby amended to add a new section to read as follows:

Section 16-22. Violations.

Any person violating any provision of this article shall be deemed guilty of a misdemeanor and upon conviction shall be subject to punishment under the general penalty provisions of Section 1-8 of this Code of Ordinances: that is, shall be subject to a fine of up to \$500.00 or imprisonment for not more than thirty (30) days or both. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent fees, penalties, and costs provided for herein.

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

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

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SECTION XV. Effective Date. All sections of this ordinance shall be effective on and after _____, 2008.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE ____ DAY

OF _____, 2008

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: February 4, 2008
Second Reading: February 19, 2008 (tentative)
Public Hearing:
Third Reading:

FINAL DRAFT AMENDMENTS 2/14/2008

STATE OF SOUTH CAROLINA COUNTY COUNCIL FOR RICHLAND COUNTY ORDINANCE NO. ___-08HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 16, LICENSES AND MISCELLANEOUS BUSINESS REGULATIONS; ARTICLE 1, IN GENERAL, SO AS TO AMEND REQUIREMENTS PERTAINING TO SEXUALLY ORIENTED BUSINESSES, AND MAKE CLARIFICATIONS PERTAINING TO ALL BUSINESSES.

WHEREAS, sexually oriented businesses require special supervision from the public safety agencies of the County in order to protect and preserve the health, safety, and welfare of patrons of such businesses as well as citizens of the County; and

WHEREAS, upon review of numerous studies, case law, analyses, and observations, the County concludes that sexually oriented businesses, as a category of business, are associated with a wide variety of negative secondary effects, including but not limited to, personal and property crimes, tax evasion, public safety risks, prostitution, potential spread of disease, lewdness, public indecency, illicit sexual activity, illicit drug use and drug trafficking, adverse impacts on surrounding properties, litter, and sexual assault and exploitation; and

WHEREAS, the Richland County Council has a substantial government interest in minimizing and controlling these adverse effects and thereby protecting the health, safety and welfare of the citizenry; protect the citizens from crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and deter the spread of urban blight; and

WHEREAS, the County's interest in regulating sexually oriented businesses extends to future secondary effects that could occur in the County related to current sexually oriented businesses as well as sexually oriented businesses that may locate in the County in the future; and

WHEREAS, the County recognizes its constitutional duty to interpret, construe, and amend its laws and ordinances to comply with constitutional requirements as they are announced; and

WHEREAS, it is not the intent of this ordinance to suppress any speech activities protected by the United States Constitution or the South Carolina Constitution, but to enact an ordinance to further the content-neutral governmental interests of the County, to wit, the controlling of secondary effects of sexually oriented businesses.

NOW, THEREFORE, pursuant to the authority 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:

FINAL DRAFT AMENDMENTS 2/14/2008

SECTION 1. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-1, License Required; is hereby amended to read as follows:

Section 16-1. License Required.

- (1) ~~Every person engaged or intending to engage in any calling, business, occupation or profession, whether or not it is listed in the rate classification index portion of this chapter~~ the Business License Fee Schedule, in whole or in part, within the unincorporated areas of the county is required to submit a completed application for a business license accompanied by the appropriate fees for the privilege of doing business in the county and to obtain a business license as herein provided, except those as noted in Section 16-7.
- (2) ~~Any business holding a state occupational license or registering with the Secretary of State's Office listing an address in unincorporated Richland County creates a presumption of business conduct and thus requires the business to have a business license. Other State agencies, professional organizations, or County departments who have a record for the business listing an address in unincorporated Richland County also create a presumption of business conduct and requires the business to have a business license.~~

SECTION II. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-2, Definitions; is hereby amended to read as follows:

Section 16-2. Definitions.

The following words, terms, and phrases, when used in this article shall have the meaning ascribed herein, except where the context clearly indicates or requires a different meaning:

- (1) "*Business*" means a calling, occupation, profession or activity engaged in with the object of gain, benefit or advantage, either directly or indirectly. A charitable organization shall be deemed a business unless the entire proceeds of its operation are devoted to charitable purposes.
- (2) "*Charitable organization*" means a person:
 - (a) determined by the Internal Revenue Service to be a tax exempt organization pursuant to Section 501(c)(3) of the Internal Revenue Code; or
 - (b) that is or holds itself out to be established for any benevolent, social welfare, scientific, educational, environmental, philanthropic, humane, patriotic, public health, civic, or other eleemosynary purpose, or for the benefit of law

FINAL DRAFT AMENDMENTS 2/14/2008

enforcement personnel, firefighters, or other persons who protect the public safety; or

- (c) that employs a charitable appeal as the basis of solicitation or an appeal that suggests that there is a charitable purpose to a solicitation, or that solicits or obtains contributions solicited from the public for a charitable purpose.
- (3) “*Charitable purpose*” means a purpose described in Section 501(c)(3) of the Internal Revenue Code or a benevolent, social welfare, scientific, educational, environmental, philanthropic, humane, patriotic, public health, civic, or other eleemosynary objective, including an objective of an organization of law enforcement personnel, firefighters, or other persons who protect the public safety if a stated purpose of the solicitations includes a benefit to a person outside the actual service membership of the organization.
- (4) “*Classification*” means a division of businesses by major groups subject to the same license rate as determined by a calculated index of ability to pay based on national averages, benefits, equalization of tax burden, relationships of services, or other basis deemed appropriate by County Council.
- (5) “*Construction Manager*” means any self-employed individual, firm, partnership, corporation, or group which supervises or coordinates construction of any building, highway, sewer, grading, improvement, re-improvement, structure, or part thereof. Notwithstanding payment by fixed price, commission, fee, or wage, said “construction manager” shall be classified in the category of “construction contractors” for purposes of this article and shall pay a license fee based upon the total cost of the undertaking supervised or coordinated, except as otherwise exempted.
- (6) “*Contractor*” means any self-employed individual (not reporting income taxes on the IRS Form W2), firm, partnership, corporation, or group performing a service or providing a product subsequent to a contract signed by that party and another party.
- (7) “*County*” means the County of Richland.
- (8) “*Drinking Place*” means any business which obtains the majority, not necessarily at least 50.1%, of its gross income from the sale or provision of alcohol.
- (89) “*Gross income*” means the total revenue of a business, received or accrued, for one (1) calendar or fiscal year, collected or to be collected by a business within the county, excepting therefrom business done wholly outside of the county on which a license fee is paid to some other county or a municipality and fully reported to Richland County.

Gross income for brokers or agents means gross commissions received or

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retained, unless otherwise specified. Gross income for business license fee purposes shall not include taxes collected for a governmental entity (such as sales taxes), escrow funds, or funds that are the property of a third party. The value of bartered goods or trade-in merchandise shall be included in gross income. The gross income for business license purposes may be verified by inspection of returns and reports filed with the Internal Revenue Service, the South Carolina Department of Revenue, the South Carolina Department of Insurance, or other government agency.

- (910) “*Gross receipts*” means the value proceeding or accruing from the sale of tangible personal property, including merchandise and commodities of any kind and character and all receipts, by the reason of any business engaged in, including interest, dividends, discounts, rentals of real estate or royalties, without any deduction on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid, or any other expenses whatsoever, and without any deductions on account of losses.
- (11) “Insurance company” refers to a businesses which meets the definition established in South Carolina Code of Laws, § 38-1-20. Definitions: an insurer defined as “any corporation, ... or aggregation of individuals engaging or proposing or attempting to engage as principals in any kind of insurance [defined as a “contract whereby one undertakes to indemnify another or pay a specified amount upon determinable contingencies”] or surety business, including the exchanging of reciprocal or interinsurance contracts between individuals, partnerships, and corporations”, and does not meet the criteria for a health maintenance organization as covered by South Carolina Code of Laws, § 38-33-140(D).
- (4012) “*License official*” means a county employee who is designated to administer this article, and/or his/her designee(s).
- (4113) “*Person*” means any individual, firm, partnership, LLP, LLC, cooperative, nonprofit membership, corporation, joint venture, professional association, estate, trust, business trust, receiver, syndicate, holding company, or other group or combination acting as a unit, in the singular or plural, and the agent or employee having charge or control of a business in the absence of the principals.
- (14) “Sexually Oriented Business” means a sexually oriented business as defined within Section 26-22 of the Richland County Code of Ordinances.

SECTION III. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-3, Purpose and Duration; is hereby amended to read as follows:

Section 16-3. General Purpose and Duration.

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- (1) The requirement of a business license levied by this article is for the purpose of assuring that a business conducted within unincorporated Richland County complies with all applicable State and County regulations and requirements in order to protect the health, safety and welfare of the citizens of the County providing such regulation as may be required by the businesses subject thereto and for the purpose of raising revenue for the general fund through a privilege tax. Each license that is issued shall be valid for one calendar year, beginning on January 1 and expiring on December 31. This time period shall be considered a license year. The provisions of this article and the rates set out in this article shall remain in effect from year to year as amended by the County Council. Additionally, the requirement of a business license fee levied by this article serves to establish an excise tax for the privilege of doing business within unincorporated Richland County.
- (2) Each license that is issued shall be valid for one calendar year, beginning on January 1 and expiring on December 31. This time period shall be considered a license year. The provisions of this article and the rates set out in this article shall remain in effect from year to year as amended by the County Council.

SECTION IV. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-6, Registration Required; is hereby amended to read as follows:

Section 16-6. Registration Required.

- (1) The owner, agent, or legal representative of every business subject to this article, whether listed in the classification index or not, shall register the business and make application for a business license on or before the due date of each year. A new business shall be required to have a business license prior to operation within any unincorporated area of the county.
- (2) Application shall be on a form provided by the License Official, which shall contain the Social Security Number and/or the Federal Employer's Identification Number, the South Carolina Retail License Number (if applicable), the business name as reported on the South Carolina income tax return, the business name as it appears to the public at the physical location, and all information about the applicant and the business deemed reasonably necessary ~~appropriate~~ to carry out the purpose of this article by the License Official. Applicants may be required to submit copies of portions of state and federal income tax returns reflecting gross income figures.
- (3) The applicant shall certify ~~under oath~~ that the information given in the application is true, that the gross income is accurately reported, or estimated for a new business, without any unauthorized deductions, that all funds due to the County have been paid, and that all other licenses and permits required by the County or State to do business in the County have been obtained.

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(4) ~~No business license shall be issued until the applicant satisfies all indebtedness to the County, has obtained all other licenses and/or permits required by the County or State to do business in the County, have been obtained, first submits documents necessary to establish compliance with Richland County Zoning Ordinance, Building Code, Electrical Code, Mechanical Code, Plumbing Code, Roofing Code and other regulatory Codes as adopted by the County Council and paid in full any associated license and permit fees or business-related fees and taxes, including any late fees or penalties.~~

(5) As a prerequisite to submittal of a business license application, the premises and real property to be used as a business must be in compliance with all applicable state and local health, fire, zoning and building codes or regulations. The applicant must submit to the License Official any documentation in the possession of the applicant or that can be reasonably obtained by the applicant that shows that the premises is currently in compliance with the Richland County Zoning Ordinance, Building Code, Electrical Code, Mechanical Code, Plumbing Code, Roofing Code and other applicable regulatory Codes as adopted by the County Council.

The License Official may provide a form on which compliance shall be certified by the officials administering the aforementioned codes or regulations. In the event that such a compliance form is used, the applicable aforementioned officials shall determine compliance with their respective codes or regulations and inform the License Official of their determination within thirty (30) calendar days from the earliest date of receipt of the compliance form by any one of the health, fire, zoning and building officials.

If the License Official does not receive a particular determination of compliance from an official administering the aforementioned codes and regulations on or before this thirty-day time period, that compliance determination not received by the License Official shall be deemed approved. All other compliance determinations received before the thirty-day period expires shall be unaffected by any other compliance determination that fails to meet the thirty-day time period.

(56) Insurance agents and brokers shall report the name of each insurance company for which a policy was issued and the total premiums collected for each company for each type of insurance coverage on a form approved by the License Official. An insurance agent not employed by an insurance company or employed by more than one insurance company shall be licensed as a broker.

(67) Fireworks Sales: Any establishment desiring to sell fireworks must first acquire the Annual State Board of Pyrotechnic Safety License and must meet all regulations pursuant to the provisions of Regulation 19-405, S.C. Code of Laws for 1976. Prior approval of the Richland County Sheriff's Department is required

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as governed by regulations of the State Fire Marshal pursuant to the 1976 Code, Chapter 9 of Title 23, and Chapter 43 of Title 39, governing the transportation and use of pyrotechnics.

- (78) Miscellaneous Sales (Antique Malls, Flea Markets or Leased Space Sales): Any person leasing space for the sale of merchandise from an established business shall be required to have a business license, whether or not the sales are made through a central cash register. Furthermore, it shall be the responsibility of the ~~lesor~~ lessor of the spaces to advise the business license office of persons leasing space.

SECTION V. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-7, Deductions, Exemptions, Charitable Organizations, and Determination of Classification; Subsection (2); is hereby amended to read as follows:

- (2) (a) No person shall be exempt from the requirements of this article by reason of the lack of an established place of business within the County, unless exempted by State or Federal law. ~~No person shall be exempt from this article by reason of the payment of any other tax or fee, unless exempted by State law, and no person shall be relieved of the liability for the payment of any other tax or fee by reason of the application of this article.~~ The following businesses, occupations or professions are exempt from the requirements of this article:
1. Teachers;
 2. Ministers, pastors, preachers, rabbis and other leaders of religious faiths;
 3. Telephone, telegraph, gas and electric and other utilities or providers regulated by the South Carolina Public Service Commission;
 4. Insurance companies; and
 5. An entity which is exempt from license tax under any state law other than South Carolina Code of Laws, § 4-9-30(12), or a subsidiary or affiliate of any such exempt entity.
- (b) ~~No person shall be exempt from this article by reason of the payment of any other tax or fee, unless exempted by State law, and no person shall be relieved of the liability for the payment of any other tax or fee by reason of the application of this article.~~

SECTION VI. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-15, Denial of License; Subsection (1); is hereby amended to read as follows:

- (1) The License Official ~~may~~ shall deny a license to an applicant ~~when~~ if:

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- (a) the application is incomplete;
- (b) the application contains a misrepresentation, false or misleading statement, evasion or suppression of a material fact;
- (c) the applicant has given a bad check or tendered illegal consideration for any license fee;
- (d) within five years from the date of application, the applicant has been convicted of or pled guilty or nolo contendere any crime(s) or offense(s) under a law or article regulating or relating to business, a crime involving moral turpitude, or an unlawful sale of merchandise or prohibited goods; South Carolina Code of Laws, Title 16, Crimes and Offenses, Chapter 13, Forgery, Larceny, Embezzlement, False Pretenses and Cheats; Chapter 14, the Financial Transaction Card Crime Act; or South Carolina Code of Laws, § 39-15-1190, Sale of Goods or Services with a Counterfeit Mark; or the same crime or offense in another jurisdiction;
- ~~(e) the applicant has been convicted of engaging in an unlawful activity or nuisance related to the business;~~
- (e) the premises and parcel of real property to be used for the business activity for which a license is sought is not in compliance with applicable state and/or local health, fire, zoning, and building codes and regulations.
- (f) the business activity for which a license is sought by a business is unlawful ~~or constitutes a public nuisance per se; or~~
- ~~(g) the business, regardless of ownership, has proven to be a public nuisance; or~~
- (g) the business constitutes a public nuisance as determined by a court of law.
- ~~(h) the business owner has proven to be a public nuisance.~~

A decision of the License Official shall be subject to appeal to the Business Service Center Appeals Board as herein provided. Denial shall be written with reasons stated.

SECTION VII. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-16, Sexually Oriented Businesses, Drinking Places, or other similar establishments; is hereby amended to read as follows:

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Section 16-16. Sexually Oriented Businesses, Drinking Places, or other similar establishments.

- ~~(1) No license to operate a sexually oriented business, drinking place, or other similar establishment shall be issued to, or in the name of, a corporation, association, or a trade name as such. Any application for a corporation, association, or trade name shall be made by the officers for its use, and such officers shall identify in the application the name by which the business will be operated. In addition, such officers in making an application shall be held to assume all responsibility there under as individuals, and shall be subject to all the provisions and penalties set forth herein or in any other article of the Richland County Code of Ordinances.~~
- ~~(2) No person shall be eligible for such license if he/she or the person who will have actual control and management of the business proposed to be operated:
 - ~~(a) is a minor;~~
 - ~~(b) is not of good repute, as evidenced by a background check or by conducting a reference check with law enforcement agencies; or~~
 - ~~(c) has had a license revoked or denied under the provisions of this article within a three-year period immediately preceding the filing of the application.~~~~
- ~~(3) Applicants for businesses herein described, in addition to the license application(s) required under Section 16-1 of this article, shall complete a sworn, notarized statement on a form prepared by the License Official for the purpose of establishing his/her qualifications to operate a business identified in this section. The owner(s) of the premises whereon such business is proposed to be located shall signify their consent to the application by signing and notarizing the form in an appropriate place provided therein or on a separate form established for this purpose.~~
- ~~(4) Owners of sexually oriented businesses and/or drinking establishments are responsible for ensuring all their contractors have current, valid business licenses and maintain a list of their current contractors' names, business license numbers, and a copy of a photo ID for each contractor on file.~~
- (1) No license to operate a drinking place shall be issued to, or in the name of, a corporation, association, or a trade name as such. Any application for a corporation, association, or trade name shall be made by the officers for its use, and such officers shall identify in the application the name by which the business will be operated. In addition, such officers in making an application shall be held to assume all responsibility there under as individuals, and shall be subject to all the provisions and penalties set forth herein or in any other article of the Richland County Code of Ordinances.
- (2) In addition to the reasons for denial of a license set forth in Section 16-15 of this article, the License Official shall deny a business license to an applicant for a

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Drinking Place if the applicant or an agent of such applicant who has or will have actual authority to control and manage the business proposed to be operated:

- (a) is a minor;
- (b) has had an alcohol liquor license issued in the name of the applicant or other officer pursuant to South Carolina Code of Laws, § 61-6-10 et seq. suspended, revoked, or not renewed within a two-year period immediately preceding the filing of the application; or
- (c) has had a license revoked or denied under the provisions of this article within a three-year period immediately preceding the filing of the application.

SECTION VII. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-17, Suspension or Revocation of License; is hereby amended to read as follows:

Section 16-17. Sexually Oriented Businesses.

- (1) The purpose of this section is to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of the citizens of Richland County, and to establish reasonable and uniform regulations to prevent or reduce to any extent the deleterious secondary effects of sexually oriented businesses within the County. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of or reasonable access to any communicative materials or expression. Similarly, it is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials or expression protected by the First amendment of the United States Constitution, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution or exhibition of obscenity.
- (2) Based on evidence of the adverse secondary effects of sexually oriented businesses presented in hearings and reports made available to the Richland County Council, and on the findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, LLC*, 124 S. Ct. 2219 (2003); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *Pap's A.M. v. City of Erie*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *Chesapeake B & M, Inc. v. Harford County*, 58 F.3d 1005 (4th Cir. 1995); *Giovani Carandola, Ltd. v. Fox*, 470 F.3d 1074 (4th Cir. 2006); *Centaur v. Richland County*, 392 S.E.2d 165 (S.C. 1990); *U.S. v. Pendergrass*, Petition to Enter a Ple of Guilty and Plea Agreement on the Charge of Tax Evasion (3:06-00147, M.D. Tenn. 2007); and other cases; and on reports of secondary effects occurring in and around sexually oriented businesses, including,

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including, but not limited to, Phoenix, Arizona (1979); Minneapolis, Minnesota (1980); Houston, Texas (1987); Indianapolis, Indiana (1984); Amarillo, Texas (1977); Garden Grove, California (1991); Los Angeles, California (1977); Whittier, California (1978); Austin, Texas (1986); Seattle, Washington (1989); Oklahoma City, Oklahoma (1986); El Paso, Texas (1986); New York City, New York (1994); Dallas, Texas (1997); Newport News, Virginia (1996); New York Times Square Study (1994); Phoenix, Arizona (1995-1998); Greensboro, North Carolina (2003); Toledo, Ohio (2002); Centralia, Washington 2004; Greensboro, North Carolina (2003); and also from the reports of "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, January 12, 2000; "Survey of Appraisers Fort Worth & Dallas, Effects of Land Uses on Surrounding Property Values," by Duncan Associates, September 2004; and the Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota), the Richland County Council finds:

- (a) Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, tax evasion, public safety risks, prostitution, potential spread of disease, lewdness, public indecency, illicit sexual activity, illicit drug use and drug trafficking, , negative impacts on surrounding properties, litter, and sexual assault and exploitation.
- (b) Each of the foregoing negative secondary effects constitutes a harm which the County has a substantial government interest in preventing and/or abating in the future. This substantial government interest in preventing secondary effects, which is the County's rationale for this ordinance, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the County's interest in regulating sexually oriented businesses extends to future secondary effects that could occur in the County related to current sexually oriented businesses in the future as well as sexually oriented businesses that may locate in the County in the future. The County finds that the cases and secondary effects documentation relied on in this ordinance are reasonably believed to be relevant to said secondary effects.
- (3) No license to operate a sexually oriented business shall be issued to, or in the name of, a corporation, association, or a trade name as such. Any application for a corporation, association, or trade name shall be made by the officers for its use, and such officers shall identify in the application the name by which the business will be operated. In addition, such officers in making an application shall be held to assume all responsibility there under as individuals, and shall be subject to all the provisions and penalties set forth herein or in any other article of the Richland County Code of Ordinances.

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- (5) During the time in which an application for a pre-existing Sexually Oriented Business is pending, the applicant may continue its business activity and shall not be subject to citations for violations of any provision of this article, nor any enforcement proceedings pursuant to this article or Section 1-8 of this Code of Ordinances.
- (6) The License Official shall approve or deny an application for a license for a Sexually Oriented Business within thirty days (30) calendar days from the date of receipt of the application. If the License Official fails to either approve or deny the application within thirty calendar days, then the application shall be deemed approved and business activity may begin or continue immediately, notwithstanding the fact that no license has been issued.
- (7) In addition to the reasons for denial of a license set forth in Section 16-15 of this article, the License Official shall deny a business license to an applicant for a Sexually Oriented Business if the applicant or an agent of such applicant who has or will have actual authority to control and manage the business proposed to be operated:
- (a) is under the age of eighteen;
 - (b) within five years of the date of application, has been convicted of or pled guilty or nolo contendere to any of the following crimes: South Carolina Code of Laws, § 16-15-90, § 16-15-100, § 16-15-305, § 16-15-325, § 16-15-335, § 16-15-342, § 16-15-345, § 16-15-355, § 16-15-365, § 16-15-385, § 16-15-387, § 16-15-395, § 16-15-405, § 16-15-410, § 16-15-415, or § 16-15-425, or of the same crime in any other jurisdiction.
- (8) Applicants for a Sexually Oriented Business herein described, in addition to the license application(s) required under Section 16-1 of this article, shall complete a sworn, notarized statement on a form prepared by the License Official for the purpose of establishing his/her qualifications to operate a business identified in this section.
- (9) Owners of sexually oriented businesses are responsible for ensuring all their contractors have current, valid business licenses and maintain a list of their current contractors' names, business license numbers, and a copy of a photo ID for each contractor on file.

SECTION VIII. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-18, Appeals; is hereby amended to read as follows:

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Section 16-18.Revocation of License.

When the License Official determines that:

- (a) a license has been mistakenly or improperly issued or issued contrary to law; or
- (b) a licensee has breached any condition upon which the license was issued or has failed to comply with any provision of this article; or
- (c) a licensee has obtained a license through a fraud, misrepresentation, a false or misleading statement, evasion or suppression of a material fact in the license application; ~~or has given a bad check or tendered illegal consideration for any license fee; or~~
- ~~(d) has given a bad check or tendered illegal consideration for any license fee; or~~
- ~~(d) a licensee has been convicted of an offense under a law or article regulating or relating to business, a crime involving moral turpitude, or an unlawful sale of merchandise or prohibited goods; or~~
- ~~(e) a licensee has been convicted of engaging in an unlawful activity or nuisance related to the business; or~~
- (f) the business activity for which a license was obtained has proven to be a public nuisance as determined by a court of law per se; or
- (g) the business, ~~regardless of ownership~~, has proven to be a public nuisance as determined by a court of law; ~~or~~
- ~~(h) The business owner has proven to be a public nuisance;~~

~~the License Official shall give written notice to the licensee or the person in control of the business within the County by personal service or certified mail that the license is suspended pending a hearing before the Business Service Center Appeals Board for the purpose of determining whether the license should be revoked. The notice shall state the time and place at which the hearing is to be held, which shall be within thirty (30) days from the date of service of the notice, or as soon as reasonably possible. The notice shall contain a brief statement of the reasons for suspension and proposed revocation and a copy of the applicable provisions of this article.~~

the License Official shall give written notice of intent to revoke to the licensee or the person in control of the business within the County by personal service or certified mail stating the License Official's basis for revocation and setting forth a date and time for a hearing before the Business Service Center Appeals Board for the purpose of determining whether the license should be revoked. The hearing shall be held within thirty (30) days from the date of service of the notice. A licensee who received proper notice yet fails to appear or defend at the revocation hearing waives his or her right to contest the revocation.

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SECTION IX. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-19, Consent, Franchise or Business License Fee Required; is hereby amended to read as follows:

Section 16-19. Appeals.

- (1) Any person aggrieved by a final assessment, charge backs from an audit, or a revocation or a denial of a business license by the License Official wishing to appeal ~~may~~ must first appeal the decision to the Business Service Center Appeals Board by written request stating the reasons therefore. The appeal must be filed with the License Official within ten calendar (10) days after the ~~payment of the assessment, or the charge backs of the audit, under protest~~ or notice of revocation or denial is received by the business. A written notice of appeal must be accompanied by an administrative fee (which shall be determined by the License Official) that will be used to partially defray the costs incurred in connection with the administration of appeals. Payment under protest of the assessment or audit charge backs shall be a condition precedent to appeal. The fee will be refunded in the event of final resolution of the appeal in favor of the appellant.

- (2) An appeal or a hearing on revocation shall be held by the Appeals Board within thirty (30) calendar days, ~~or as soon as reasonably possible,~~ after receipt of a request for appeal or service of notice of suspension. The applicant or licensee shall be given written notice as to the date and time of the meeting. At the meeting, all parties have the right to be represented by counsel, to present testimony and evidence, and to cross-examine witnesses. The proceedings shall be recorded and transcribed at the expense of the party so requesting. The rules of evidence and procedure prescribed by the Board shall govern the hearing.

The Board shall, by majority vote of members present, render a written decision based upon findings of fact and the application of the standards herein which shall be served upon all parties or their representatives within fifteen (15) calendar days, ~~or as soon as reasonably possible,~~ after the hearing. The decision of the Board shall be final unless appealed to County Council within ten (10) calendar days after service of the Board's decision. County Council shall review the record and without further hearing affirm, modify, or deny the appeal in the event of an error of fact by the Board. The decision of Council shall be final unless appealed to a court of competent jurisdiction within ten (10) calendar days after service of the County Council's decision.

SECTION X. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-20, Confidentiality; is hereby amended to read as follows:

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Section 16-20. Consent, Franchise or Business License Fee Required.

The annual fee for use of streets or public places authorized by a consent agreement or franchise agreement shall be set pursuant to the agreement, and shall be consistent with limits set by State law. Existing franchise agreements shall continue in effect until expiration dates in the agreements. Franchise and consent fees shall not be in lieu of or be credited against business license fees unless specifically provided by the franchise or consent agreement.

SECTION XI. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-21, Violations; is hereby amended to read as follows:

Section 16-21. Confidentiality.

Except in accordance with proper judicial order, pursuant to an appeal, or as otherwise provided by law, it shall be unlawful for any official or employee to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any report or return required under this article. Nothing in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns.

SECTION XII. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; is hereby amended to add a new section to read as follows:

Section 16-22. Violations.

Any person violating any provision of this article shall be deemed guilty of a misdemeanor and upon conviction shall be subject to punishment under the general penalty provisions of Section 1-8 of this Code of Ordinances: that is, shall be subject to a fine of up to \$500.00 or imprisonment for not more than thirty (30) days or both. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent fees, penalties, and costs provided for herein.

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

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

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SECTION XV. Effective Date. All sections of this ordinance shall be effective on and after _____, 2008.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE ____ DAY

OF _____, 2008

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: February 4, 2008
Second Reading: February 19, 2008 (tentative)
Public Hearing:
Third Reading:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-08HR

AN ORDINANCE AMENDING THE FISCAL YEAR 2007-2008 BUDGET TO TRANSFER FUNDS FOR THE ELDERS POND STATION CONSTRUCTION FOR (\$1,722,000) AND TRANSFER FUNDS FOR THE HORRELL HILL STATION CONSTRUCTION FOR (\$550,244) TO A CAPITAL PROJECT FUND FROM THE FIRE FUND AND GENERAL FUND.

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 1. That the amount of one million nine hundred and sixty-nine thousand three hundred and eighty dollars (\$1,969,380) be transferred from the Fiscal Year 2007-2008 Fire Service Fund Annual Budget to the Fiscal Year 2007-2008 Capital Project Fund Annual Budget.

REVENUE

Revenue appropriated July 1, 2007 as amended:	\$ 16,560,500
Transfer to Capital Project Budget	<u>(1,969,380)</u>
Total Fire Service Fund Revenue as Amended:	\$ 14,591,120

EXPENDITURES

Expenditures appropriated July 1, 2007 as amended:	\$ 16,560,500
Change in Fire Service Fund Budget:	<u>(1,969,380)</u>
Total Fire Service Fund Expenditures as Amended:	\$ 14,591,120

That the amount of two hundred and ninety-two thousand dollars (\$302,864) be transferred from the Fiscal Year 2007-2008 General Fund Annual Budget to the Fiscal Year 2007-2008 Capital Project Fund Annual Budget.

REVENUE

Revenue appropriated July 1, 2007 as amended:	\$ 126,996,973
Transfer to Capital Projects Budget	<u>(302,864)</u>
Total General Fund Revenue as Amended:	\$ 126,694,109

EXPENDITURES

Expenditures appropriated July 1, 2007 as amended:	\$ 126,996,973
Change in General Fund Expenditure Budget:	<u>(302,864)</u>
Total General Fund Expenditures as Amended:	\$ 126,694,109

Therefore, the Fiscal Year 2007-2008 Capital Project Fund Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2007 as amended:	\$ 2,281,171
Transfer-in from Fire Service Fund	1,969,380
Transfer-in from General Fund	<u>302,864</u>
Total Capital Project Fund Revenue as Amended:	\$ 4,553,415

EXPENDITURES

Expenditures appropriated July 1, 2007 as amended:	\$ 2,281,171
Increase in Capital Project Budget:	<u>2,272,244</u>
Total Emergency Telephone Service Expenditures as Amended:	\$ 4,553,415

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 enforced from and after _____, 2008.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE _____ DAY

OF _____, 2008

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: February 5, 2008
Second Reading: February 19, 2008 (tentative)
Public Hearing:
Third Reading:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. __-08HR

AN ORDINANCE AMENDING THE FISCAL YEAR 2007-2008 GENERAL FUND ANNUAL BUDGET TO INCREASE VOTER REGISTRATION'S BUDGET BY TWENTY THOUSAND DOLLARS (\$20,000). THIS INCLUDES FUNDING FOR PART-TIME EMPLOYMENT DUE TO THE INCREASED DEMAND OF ELECTIONS.

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. That the amount of twenty thousand dollars (\$20,000) be appropriated to the FY 2007-2008 Voter Registration Budget. Therefore, the Fiscal Year 2007-2008 General Fund Annual Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2007 as amended:	\$ 126,976,973
Appropriation of General Fund undesignated fund balance	<u>20,000</u>
Total General Fund Revenue as Amended:	\$ 126,996,973

EXPENDITURES

Expenditures appropriated July 1, 2007 as amended:	\$ 126,879,394
Increase to Voter Registration Budget:	<u>20,000</u>
Total General Fund Expenditures as Amended:	\$ 126,996,973

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 enforced from and after _____, 2008.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE ____ DAY

OF _____, 2008

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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No Opinion Rendered As To Content.

First Reading: February 5, 2008
Second Reading: February 19, 2008 (tentative)
Public Hearing:
Third Reading:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-08HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION; ARTICLE V, COUNTY DEPARTMENTS; DIVISION 4, PLANNING AND DEVELOPMENT SERVICES; AND TO ADD A NEW DIVISION ENTITLED "4.A. BUILDING CODES AND INSPECTIONS"; SO THAT A NEW COUNTY DEPARTMENT WILL BE CREATED.

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 2, Administration; Article V, County Departments; Division 4, Planning and Development Services; is hereby amended to read as follows:

DIVISION 4. PLANNING AND DEVELOPMENT SERVICES

Sec. 2-216. Creation; director.

There is hereby created the Planning and Development Services Department, and the position of Planning Director who shall be responsible to the county administrator to direct and coordinate the operations and activities of the department. The county administrator shall appoint the director and his/her term of office shall be at the pleasure of the county administrator.

Sec. 2-217. Qualifications of director; selection; compensation.

The Planning Director shall be a graduate of an accredited college or university, preferably with a degree in planning, engineering, architecture, or related field; ~~or in lieu thereof,~~ and shall have had at least five (5) years of responsible, practical experience in urban planning and/or in a municipal or county regulatory agency. The director shall possess education, training, and experience related to planning and/or code enforcement that is satisfactory to the county administrator.

Sec. 2-218. Responsibilities; powers; duties.

The Planning Director shall direct and supervise all functions of the department, including the permitting and enforcement provisions of the county's zoning and land development, ~~and building code~~ regulations. The director shall adhere to the county's comprehensive plan and shall work closely with the county officials responsible for planning and code enforcement activities. The director shall be responsible for establishing liaisons and/or working relationships with all private and public agencies engaged in economic and/or industrial development. The director shall recommend amendments to the comprehensive plan and to the county's zoning and land

development, ~~and building code~~ regulations, and shall present such recommendations to the Planning Commission and/or the County Council.

Sec. 2-219. Staff; personnel.

The staff and personnel assigned to the Planning Director shall be subject to the county personnel system and their compensation determined accordingly.

Sec. 2-220 – 2-221. Reserved.

SECTION II. The Richland County Code of Ordinances, Chapter 2, Administration; Article V, County Departments; is hereby amended to create a new division to read as follows:

DIVISION 4A. BUILDING CODES AND INSPECTIONS

Sec. 2-222. Creation; director.

There is hereby created the Building Codes and Inspections Department, and the position of Building Codes and Inspections Director who shall be responsible to the county administrator to direct and coordinate the operations and activities of the department. The county administrator shall appoint the director and his/her term of office shall be at the pleasure of the county administrator.

Sec. 2-223. Qualifications of director; selection; compensation.

The Building Codes and Inspections Director shall be a graduate of an accredited college or university, preferably with a degree in engineering, architecture, construction or related field; or in lieu thereof, shall have had at least five (5) years of responsible, practical experience in construction, inspections, administration and/or in a municipal or county regulatory agency. The director shall possess education, training, and experience related to inspections and construction for commercial and residential property and/or code enforcement that is satisfactory to the county administrator. In addition, the director shall hold South Carolina registration as a Certified Building Official.

Sec. 2-224. Responsibilities; powers; duties.

The Building Codes and Inspections Director shall direct and supervise all functions of the department, including the permitting and enforcement provisions of the county's building code regulations. The director shall adhere to the county's adopted codes and ordinances and shall work closely with the county officials responsible for planning and code enforcement activities. The director shall be responsible for establishing liaisons and/or working relationships with all private and public agencies engaged in economic and/or industrial development. The director shall recommend amendments to the building code regulations, and shall present such recommendations to the County Council.

Sec. 2-225. Staff; personnel.

The staff and personnel assigned to the Building Codes and Inspections Director shall be subject to the county personnel system and their compensation determined accordingly.

Sec. 2-226. Reserved.

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

SECTION V. Effective Date. This ordinance shall be effective from and after _____, 2008.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE ____ DAY

OF _____, 2008

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: February 5, 2008
Second Reading: February 19, 2008 (tentative)
Public Hearing:
Third Reading:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-08HR

AN ORDINANCE CALLING FOR A REFERENDUM AND BALLOT QUESTION TO AUTHORIZE THE SOUTH CAROLINA DEPARTMENT OF REVENUE TO ISSUE TEMPORARY PERMITS FOR OFF-PREMISES SALES OF BEER AND WINE WITHOUT REGARD TO THE DAYS OR HOURS OF SALES.

WHEREAS, the South Carolina General Department of Revenue is authorized to issue temporary permits not to exceed twenty-four (24) hours for the possession, sale, and consumption of alcoholic liquors by the drink on premises within the unincorporated areas of Richland County; and

WHEREAS, South Carolina Code Ann. §61-6-2010 provides methods to call for a referendum to place the question of authorizing the South Carolina Department of Revenue to issue temporary permits for the sale of beer and wine at permitted off-premises locations without regard to the days or hours of sales on the ballot for a vote by qualified electors voting in the general election; and

WHEREAS, the next general election for Richland County is to be held on Tuesday, November 4, 2008; and

WHEREAS, Richland County Council desires to call for the referendum by ordinance as provided for by South Carolina Code Ann. §61-6-2010;

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 RICHLAND COUNTY COUNCIL as follows:

SECTION I. The Richland County Council does hereby call for a referendum as provided for in South Carolina Code Ann. §61-6-2010 and directs that the following question be placed on the ballot on the November 4, 2008 general election to be voted on by all qualified voters:

“Shall the South Carolina Department of Revenue be authorized to issue temporary permits in the unincorporated areas of Richland County for a period not to exceed twenty-four hours to allow the sale of beer and wine at permitted off-premises locations without regard to the days or hours of sales?”

SECTION II. The Richland County Council does hereby request that the Richland County Election Commission hold the referendum and place the above-requested question on the next general election ballot for the County of Richland on Tuesday, November 4, 2008, and that such Commission conduct the referendum in the manner provided for by law for such general election.

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

SECTION IV. Effective Date. This ordinance shall be enforced from and after _____, 2008.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST this the ____ day of
_____, 2008.

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: February 5, 2008
Public Hearing: February 19, 2008 (tentative)
Second Reading:
Third Reading:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. __-08HR

AN ORDINANCE AMENDING THE FISCAL YEAR 2007-2008 GENERAL FUND ANNUAL BUDGET TO TRANSFER TWO HUNDRED TWENTY-NINE THOUSAND FIVE HUNDRED AND TWENTY-FOUR DOLLARS (\$229,524) OF INTEREST EARNED ON THE VISTA TIF FUNDS TO THE GENERAL FUND. THIS WILL RESULT IN AN INCREASE TO NON-DEPARTMENTAL AND THE FINANCE DEPARTMENT BUDGET.

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. That the amount of two hundred twenty-nine thousand five hundred and twenty-four dollars (\$229,524) be appropriated to the FY 2007-2008 General Fund Budget. Therefore, the Fiscal Year 2007-2008 General Fund Annual Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2007 as amended:	\$ 126,747,449
Transfer-in of Vista TIF Interest Revenue	<u>229,524</u>
Total General Fund Revenue as Amended:	\$ 126,976,973

EXPENDITURES

Expenditures appropriated July 1, 2007 as amended:	\$ 126,747,449
Increase to Non-Departmental Budget:	193,432
Increase to Finance Department Budget:	<u>36,092</u>
Total General Fund Expenditures as Amended:	\$ 126,976,973

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 enforced from and after _____, 2008.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE ____ DAY

OF _____, 2008

Michielle R. Cannon-Finch
Clerk of Council

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STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-08HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 26, LAND DEVELOPMENT; ARTICLE V, ZONING DISTRICTS AND DISTRICT STANDARDS; SECTION 26-141, TABLE OF PERMITTED USES WITH SPECIAL REQUIREMENTS, AND SPECIAL EXCEPTIONS; "MANUFACTURING, MINING, AND INDUSTRIAL USES" OF TABLE 26-V-2.; AND ARTICLE VI, SUPPLEMENTAL USE STANDARDS; SECTION 26-152, SPECIAL EXCEPTIONS; SO AS TO PERMIT A LIMITED NUMBER OF DIGITAL BILLBOARDS IN THE GC, M-1, LI, HI ZONING DISTRICTS AS SPECIAL EXCEPTIONS.

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

SECTION I. The Richland County Code of Ordinances; Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-141, Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions; "Manufacturing, Mining, and Industrial Uses" of Table 26-V-2.; is hereby amended to read as follows:

(ORDINANCE CONTINUES ON NEXT PAGE)

	TROS	RU	RR	RS-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-1	LI	HI
															P	P	P
																	P
Laminating)																	P
nd Laminating)															P	P	P
Manufacturing																	SR
																	P
														P	P	P	P
Mills																	P
																	P
nd Packaging																	P
														P	P	P	P
														<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>
nd Toilet															P	P	
															P	P	
															P	SE	
															P	SE	
ip Mills															P	P	

SECTION II. The Richland County Code of Ordinances; Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-152, Special Exceptions; Subsection (c), Special Exceptions Listed by Zoning District; is hereby amended to read as follows:

- (1) Athletic Fields - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD)
- (2) Bars and Other Drinking Places - (OI, NC)
- (3) Borrow Pits - (RU, RR, M-1, LI)
- (4) Buildings, High-Rise, Six (6) or More Stories - (RM-HD, GC)
- (5) Continued Care Retirement Communities - (RU, RR)
- (6) Correctional Institutions – (RU, LI, HI)
- (7) Country Clubs with Golf Courses - (RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD)
- (8) Day Care, Adult, Home Occupation (6 or Less) – (RU, RR, RS-E, RS-LD, RS-HD, MH, RM-MD, RM-HD)
- (9) Day Care, Child, Family Day Care, Home Occupation (5 or less) - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD)
- (10) Day Care, Child, Group Day Care, Home Occupation (6 to 12) – (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD)
- (11) Dormitories - (OI, GC)
- (12) Dwellings, Single Family, Zero Lot Line, Common – (RS-MD, RS-HD)
- (13) Dwellings, Manufactured Homes on Individual Lots – (M-1)
- (14) Fabricated Metal Products - (LI)
- (15) Glass and Glass Products – (LI)
- (16) Group Homes (10 or more) – (RM-HD, OI, NC, RC, GC)
- (17) Landfills, Sanitary and Inert Dump Sites - (RU, HI)
- (18) Machinery – (LI)

- (19) Manufacturing, Not Otherwise Listed – (LI)
- (20) Nursing and Convalescent Homes – (RU, RR)
- (21) Orphanages - (RU, RR, RM-MD, RM-HD)
- (22) Places of Worship – (RS-E, RS-LD, RS-MD, RS-HD, MH)
- (23) Race Tracks and Drag Strips – (HI)
- (24) Radio, Television, and Telecommunications and other Transmitting Towers – (RU, OI, NC, RC, GC, LI, HI)
- (25) Rooming and Boarding Houses – (RM-HD, OI, NC, RC)
- (26) Scrap and Recyclable Materials – (M-1, LI, HI)
- (27) Shooting Ranges, Outdoor - (RU, HI)
- (28) Signs, Digital - (GC, M-1, LI, HI)
- ~~(2829)~~ Special Congregate Facilities - (OI, GC)
- ~~(2930)~~ Swimming and Tennis Clubs - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, OI, NC, RC, LI)
- ~~(3031)~~ Tattoo Facilities – (GC)
- ~~(3132)~~ Textile Product Mills – (LI)
- ~~(3233)~~ Theaters, Motion Picture, Drive-Ins - (RC, GC, LI)
- ~~(3334)~~ Theaters, Motion Picture, Other Than Drive-Ins - (NC)
- ~~(3435)~~ Transportation Equipment - (LI)
- ~~(3536)~~ Waste Collection, Hazardous - (HI)
- ~~(3637)~~ Waste Treatment and Disposal, Hazardous – (HI)
- ~~(3738)~~ Zoos and Botanical Gardens – (RU, OI, RC)

SECTION III. The Richland County Code of Ordinances; Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-152, Special Exceptions; Subsection (d), Standards; is hereby amended to read as follows:

(d) *Standards.*

(1) *Athletic fields.*

- a. Use districts: Rural; Rural Residential; Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Manufactured Home Park; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density.
- b. Parking lots for athletic fields shall have primary access to collector or thoroughfare roads.
- c. Lights shall be positioned so as not to shine onto adjacent properties.
- d. Loud speaker systems shall not be operated before 8:00 a.m. or after 10:00 p.m.

(2) *Bars and other drinking places.*

- a. Use districts: Office Institutional; Neighborhood Commercial.
- b. Lots used for bars or drinking places shall be located no closer than four hundred (400) feet from any other lot used as a bar or drinking place, and shall be no closer than six hundred (600) feet to any lot which contains a school (public or private) or a place of worship.
- c. A minimum six (6) foot high opaque fence or wall shall be erected adjacent to the property line of any abutting residences.
- d. Parking areas related to the establishment shall be located no closer than thirty (30) feet to the property lines of any abutting residences.

(3) *Borrow pits.*

- a. Use districts: Rural; Rural Residential; M-1 and LI Light Industrial.
- b. Proposals for borrow pits will only be permitted where:
 1. There are overriding environmental or other planning benefits compared to obtaining materials from alternative sources;

2. Alternative materials of the required specification are unavailable in sufficient quantities;
 3. They are contiguous with or close to the projects they are intended to serve;
 4. They are time-limited to the life of the project and material is to be used only for the specified project;
 5. Proposals include appropriate reclamation measures that make full use of surplus spoil from the project;
 6. The site can be restored to its original levels or an alternative acceptable landform only utilizing materials from the construction project;
 7. Any impacts on the environment or local communities can be controlled to acceptable levels; and
 8. The project area is less than ten (10) acres.
- c. All borrow pits subject to this subsection shall comply with the following requirements:
1. The average slope of any cut bank measured from a point located ten (10) feet from the boundary of any abutting property to the bottom of the cut bank in the pit shall not exceed a horizontal to vertical ratio of 2:1. The owner of the borrow pit is responsible for maintaining this condition;
 2. The top of the cut bank of the borrow pit shall, at no time, be closer than ten (10) feet from the property boundary of any abutting landowner;
 3. The depth of the borrow pit is limited to a maximum of twelve feet below the average seasonal high water table or three feet above a confining or semi-confining unit, whichever is shallower;
 4. No excavation shall occur within two hundred (200) feet of a wetland or other surface water;
 5. Best management practices shall be used to control erosion and sediment transport during and after the excavation activities;

6. The borrow pit slopes shall be stabilized with native vegetation within six months following completion of the excavation;
7. Upon completion of the excavation area, side slopes shall be no steeper than 4 (horizontal):1 (vertical) out to a depth of two feet below the average water elevation;
8. No on-site grading or sorting of materials shall occur; and
9. The active excavation, processing, and transportation of fill material shall only occur between 8:00 a.m. and 8:00 p.m.

(4) *Buildings, high-rise, six (6) or more stories.*

- a. Use districts: Residential, Multi-Family, High-Density; Office and Institutional; General Commercial.
- b. The minimum lot size to establish a high-rise building shall be one (1) acre.
- c. The minimum lot width to establish a high-rise building shall be one hundred and fifty (150) feet.
- d. A high-rise structure shall be set back a minimum of twenty-five (25) feet from all property lines.
- e. In the RM-HD District, the maximum lot coverage for a high-rise building shall be thirty-five percent (35%). In the GC and OI Districts, the maximum lot coverage for a high-rise building shall be forty-five percent (45%).
- f. Increase of allowable lot coverage:
 1. Additional lot coverage may be allowed on a foot for foot basis equal to the number of square feet provided on the structure above the first level in the form of landscaped roof gardens, solariums, recreational spaces, and the like made available generally to tenants. In no case shall such an increase in coverage exceed an amount equal to ten percent (10%) of the total lot area upon which the high-rise structure is located.
 2. Parking lots or structures to accommodate required parking may be erected to cover not more than thirty percent (30%) of the total lot area in addition to the coverage listed in subsections e. and f.1. above.

- g. No portion of any high-rise building shall project through imaginary planes leaning inward over the lot from the exterior lot lines of the parcel at angles representing two (2) feet in height for each one (1) foot of horizontal distance from such lot line.
- h. Parking and loading facilities shall be provided as required by Section 26-173 of this chapter. No parking lots shall be permitted within any required setback.
- i. High-rise buildings over fifteen (15) stories in height are only permitted on lots located at the intersection of major thoroughfares or interstate highway interchanges.
- j. In the Office and Institutional District the maximum height for a high rise shall be seventy-five (75) feet.

(5) *Continued care retirement communities.*

- a. Use districts: Rural; Rural Residential.
- b. The minimum lot size to establish a continued care retirement community shall be one (1) acre.
- c. No parking space or drive aisle shall be located closer than twenty (20) feet to any other residence not a part of the community.
- d. The front setback shall be the same as permitted in the respective district, but shall not be less than the lesser setback of any existing homes on adjacent lots. The side and rear setbacks shall be as set forth for the district.
- e. All facilities shall be solely for the use of the residents and their guests.

(6) *Correctional institutions.*

- a. Use districts: Rural; LI Light Industrial; Heavy Industrial.
- b. Off-street parking requirements shall be as listed in Section 26-173 of this chapter.

(7) *Country clubs with golf courses.*

- a. Use districts: Rural Residential; Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Manufactured Home Park; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density.

- b. There shall be a minimum fifty (50) foot setback between clubhouses, swimming pools, lighted tennis courts, or athletic fields and adjacent residentially zoned or used properties.

(8) *Day care, adult, home occupation (six or less).*

- a. Use districts: Rural; Rural Residential; Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Manufactured Home Park; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density.
- b. An adult day care, home occupation, with six (6) or fewer attendees must be operated in an occupied residence.
- c. Client pick-up and drop-off shall not obstruct traffic flow on adjacent public roads.
- d. Parking shall not be located in the front yard.
- e. All other state and federal regulations shall be met.

(9) *Day Care, Child, Family Day Care, Home Occupation (5 or less)*

- a. Use districts: Rural; Rural Residential; Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Manufactured Home Park; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density.
- b. A child group family day care home occupation must be operated in an occupied residence.
- c. Any outdoor play area shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas, or land otherwise unsuited for children's play space.
- d. Client pick-up and drop-off shall not obstruct traffic flow on adjacent public roads.
- e. Parking shall not be located in the front yard.
- f. All other state and federal regulations shall be met.

(10) *Day Care, Child, Group Day Care, Home Occupation (6 to 12).*

- a. Use districts: Rural; Rural Residential; Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Manufactured Home Park; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density.
- b. A child group day care home occupation must be operated in an occupied residence.
- c. Any outdoor play area shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas, or land otherwise unsuited for children's play space.
- d. Client pick-up and drop-off shall not obstruct traffic flow on adjacent public roads.
- e. Parking shall not be located in the required front yard.
- f. All other state and federal regulations shall be met.

(11) *Dormitories.*

- a. Use districts: Office and Institutional; General Commercial.
- b. The property on which the use is located shall be within a one-half (½) mile radius of property developed as the primary campus of the representing college or university.

(12) *Dwellings, single-family, zero lot line, common.*

- a. Use districts: Residential, Single-Family, Medium Density; Residential, Single-Family, High Density.
- b. The lot proposed for zero lot line development must be under the same ownership at the time of initial construction or the owner of adjacent properties must record an agreement or deed restriction in writing to the development of zero setback. The maintenance and drainage easement required in e. below must be provided as part of this agreement and deed restriction.
- c. One (1) dwelling unit shall be placed on one interior side property line with a zero (0) setback and the dwelling unit setback on the other interior side property line shall be a minimum of twelve (12) feet. Patios, pools, garden features, and other similar elements shall

be permitted within the twelve (12) foot setback area, provided, however, no structure shall be placed within easements required by e. below.

- d. The wall of a dwelling located on the lot line shall have no windows, doors, air conditioning units, or any other types of openings. An atrium or court shall be permitted on the zero lot line side when such court or atrium is enclosed by two (2) walls of the dwelling unit and a solid wall of at least six (6) feet in height is provided on the zero lot line extending to the front and/or rear of the dwelling unit. Said wall shall be constructed of the same materials as exterior walls of the unit.
- e. A perpetual five (5) foot maintenance easement shall be provided on the lot adjacent to the zero lot line property which shall be kept clear of structures. This easement shall be shown on the plat and incorporated into each deed transferring title to the property. Roof overhangs and footings may penetrate the easement on the adjacent lot a maximum of twenty-four (24) inches, but the roof shall be so designed that water runoff from the dwelling placed on the lot line is controlled by gutters or other approved methods.

(13) *Dwellings, Manufactured Homes on Individual Lots.*

- a. Use districts: M-1 Light Industrial.
- b. Manufactured homes must meet the standards set by the Federal Manufactured Housing Construction and Safety Standards Act of 1974 (which became effective June 15, 1976), as revised and in effect on the date the application is made for a land development permit.
- c. The tongue, axles, transporting lights, and removable towing apparatus must be removed subsequent to final placement.
- d. Manufactured home skirting or a continuous, permanent masonry foundation, unpierced except for openings required by the building code for ventilation, utilities and access, shall be installed under the manufactured home.

(14) *Fabricated metal products.*

- a. Use districts: LI Light Industrial.

- b. Any building used for the manufacture of fabricated metal products shall be no greater than thirty thousand (30,000) square feet in gross floor area.
- c. Operations standards set forth in Section 26-178 of this chapter shall be examined in detail during the special exception review process.

(15) *Glass and glass products.*

- a. Use districts: LI Light Industrial.
- b. Any building used for the manufacture of glass and glass products shall be no greater than thirty thousand (30,000) square feet in gross floor area.
- c. Operations standards set forth in Section 26-178 of this chapter shall be examined in detail during the special exception review process.

(16) *Group homes (10 or more).*

- a. Use districts: Residential, Multi-Family, High Density; Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial.
- b. Parking shall not be located in the required front yard, except in the General Commercial District.

(17) *Landfill, sanitary and inert dump sites.*

- a. Use districts: Rural; Heavy Industrial.
- b. All required local, state, and federal permits must be obtained.
- c. Ingress and egress to the site must be from a thoroughfare or collector road.

(18) *Machinery.*

- a. Use districts: LI Light Industrial.
- b. Any building used for the manufacture of machinery shall be no greater than thirty thousand (30,000) square feet in gross floor area.

- c. Operations standards set forth in Section 26-178 of this chapter shall be examined in detail during the special exception review process.

(19) *Manufacturing, not otherwise listed.*

- a. Use districts: LI Light Industrial.
- b. Any building used for manufacturing processes fitting in this classification shall be no greater than thirty thousand (30,000) square feet in gross floor area.
- c. Operations standards set forth in Section 26-178 of this chapter shall be examined in detail during the special exception review process.

(20) *Nursing and convalescent homes.*

- a. Use districts: Rural; Rural Residential.
- b. Minimum lot size to establish a nursing and/or a convalescent home shall be one (1) acre.
- c. The front setback shall be the same as permitted in the applicable zoning district. Side and rear setbacks shall be twenty-five (25) feet from property lines.
- d. No parking space or drive shall be located closer than twenty (20) feet from any road line or property line. No parking shall be permitted in the front yard.

(21) *Orphanages.*

- a. Use districts: Rural; Rural Residential; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density.
- b. Minimum lot size to establish an orphanage shall be one (1) acre.
- c. The front setback shall be the same as permitted in the applicable zoning district. Side and rear setbacks shall be twenty-five (25) feet from property lines.
- d. No parking space or drive shall be located closer than twenty (20) feet from any road line or property line. No parking shall be permitted in the front yard.

(22) *Places of worship.*

- a. Use districts: Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Manufactured Home Park.
- b. Facilities for a place of worship located on a site of three (3) acres or more shall have primary access to the facility from a collector of thoroughfare road.
- c. No parking space or drive shall be located closer than twenty (20) feet to a residence not associated with the place of worship. No parking area may be located in the front setback.
- d. The front setback shall be the same as permitted in the respective district, but shall not be less than the lesser setback of any existing homes on adjacent lots. The side and rear setbacks shall be thirty (30) feet.

(23) *Racetracks and drag strips.*

- a. Use districts: Heavy Industrial.
- b. All racetracks and drag strips shall be fully secured by fencing.
- c. All outside edges of any racing surface or principal building that is part of the operation of a racetrack or drag strip shall be at least one thousand five hundred (1,500) feet from any part of the property line. No development, including (but not limited to) parking areas, accessory buildings, or drives, may be located in the buffer, except for permissible entryways and exits.
- d. No racing event may be conducted during the hours of 11:00 p.m. and 9:00 a.m. Racing events may be conducted for a maximum of three consecutive days, a maximum of five (5) days in a calendar week, and a maximum of six (6) hours per day.
- e. A traffic plan, noise mitigation plan, fire protection plan, and lighting plan shall be provided and reviewed as part of the special exception process. Adequate outdoor lighting shall be provided, however, all outdoor lighting fixtures shall be installed and operated in such a manner as to protect the roads and neighboring properties from direct glare or hazardous interference of any kind.

(24) *Radio, television and telecommunications and other transmitting towers.*

- a. Use districts: Rural; Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial; LI Light Industrial; Heavy Industrial.
- b. Communication towers shall have a maximum height of three hundred (300) feet. For towers on buildings, the maximum height shall be twenty (20) feet above the roofline of buildings forty (40) feet or four stories in height or less. For buildings greater than four stories or forty-one (41) feet in height, the maximum height of communication towers shall be forty feet above the roofline.
- c. The minimum setbacks for communication towers from certain uses shall be as follows:
 - 1. In no case shall a communication tower be located within fifty (50) feet of a residential zoning district or an inhabited residential dwelling.
 - 2. For towers in excess of fifty (50) feet, the setback shall increase one (1) foot for each foot of height of the tower as measured from the base of the tower. The maximum required separation being two hundred fifty (250) feet.
- d. The proposed user must show proof of an attempt to collocate on existing communication towers, and must be willing to allow other users to collocate on the proposed tower in the future subject to engineering capabilities of the structure. Evidence of an attempt to collocate must show that alternative towers, buildings, or other structures are not available for use within the applicant's tower site search area that are structurally capable of supporting the intended antenna or meeting the applicant's necessary height criteria, or provide a location free of interference from other communication towers.
- e. Towers shall be illuminated as required by the Federal Communications Commission, Federal Aviation Administration, or other regulatory agencies. However, no nighttime strobe lighting shall be incorporated unless required by the Federal Communications Commission, the Federal Aviation Administration, or other regulatory agency.
- f. Each communication tower and associated buildings shall be enclosed within a fence at least seven (7) feet in height.
- g. Each communication tower site shall be landscaped in accordance with the requirements of Section 26-176 of this chapter.

- h. No signage may be attached to any portion of a communications tower. Signs for the purpose of identification, warning, emergency function or contact or other as required by applicable state or federal rule, law, or regulation may be placed as required by standard industry practice.
- i. A communications tower which is no longer used for communications purposes must be dismantled and removed within one hundred twenty (120) days of the date the tower is taken out of service.

(25) *Rooming and boarding houses.*

- a. Use districts: Residential, Multi-Family, High Density; Office Institutional; Neighborhood Commercial; Rural Commercial.
- b. The owner or the manager of the boarding house shall reside on the premises.
- c. Not over fifty percent (50%) of the heated floor area of the rooming or boarding house shall be used for sleeping quarters.
- d. Parking shall be provided as required in Section 26-173 of this chapter. Parking shall be located on the same lot on which the boardinghouse is located, at the rear of the lot and screened from the adjacent properties with vegetation.

(26) *Scrap and recyclable materials.*

- a. Use district: M-1 and LI Light Industrial; Heavy Industrial.
- b. Stocks and supplies shall be either stored inside enclosed structures or screened by solid walls, opaque fences, dense evergreen shrubbery or the like so that they are not visible from any public road or from the ground level of adjacent property used for residential or office purposes.
- c. Any required front or secondary front yard shall not be used for storage.
- d. The side yard setback for storage areas and buildings adjacent to residential or office uses shall be at least twenty-five (25) feet.

- e. The wholesale business shall be conducted in such a manner as to prevent tracking and spillage of debris onto adjacent properties or roads.

(27) *Shooting ranges, outdoor.*

- a. Use districts: Rural; Heavy Industrial.
- b. Adequate provision shall be made for the safety of surrounding property owners.
- c. Setback requirements shall be at least 200 yards from adjacent property lines.
- d. Hours of operation shall be limited to 9:00 a.m. to 10:00 p.m.

(28) Signs, Off-Premise Digital. - (GC, M-1, LI, HI)

- a. Use districts: General Commercial, M-1 Light Industrial, LI Light Industrial, Heavy Industrial.
- b. There shall be a limit of one (1) off-premise digital sign per Richland County Council District.
- c. Evidence must be presented to show that the applicant had already removed an existing legal nonconforming off-premise sign since July 1, 2005.
- d. The proposed off-premise digital sign must replace an existing legal nonconforming off-premise sign (for a total of two (2) signs removed).
- e. An off-premise digital sign must be located at least two (2) miles from any other off-premise digital sign.
- f. The copy of an off-premise digital sign shall remain fixed for a period of at least six (6) seconds between changes. The interval between copy changes shall be no longer than one (1) second
- g. An off-premise digital sign shall not include animated, continuous, moving, rolling, or scrolling messages or video displays.
- h. Off-premise digital signs shall have an automatic dimmer and a photo sensor to adjust the illumination intensity or brilliance of the sign so that it shall not cause glare or impair the vision of

motorists, and shall not interfere with any driver's operation of a motor vehicle. In addition, a digital sign shall not exceed a maximum illumination of seven thousand five hundred (7,500) nits (candelas per square meter) during daylight hours and a maximum illumination of five hundred (500) nits between dusk and dawn as measured from the sign's face at maximum brightness. Digital signs shall not be permitted within three hundred (300) feet of any residential district towards which the sign is oriented

- i. Off-premise digital signs shall only be allowed on arterial streets, as defined in Section 26-22. If the sign is proposed along a county owned road, the digital sign shall be located at least twenty-five (25) feet away from such road.

(2829) Special congregate facilities.

- a. Use districts: Office and Institutional; General Commercial.
- b. The facility shall be operated and contained within the building of and operated by a governmental agency or a nonprofit organization.
- c. The facility operator(s) shall provide continuous on-site supervision by an employee(s) and/or a volunteer(s) during the hours of operations.
- d. No such facility shall be located within one quarter (1/4) mile of an existing congregate facility. The Board of Zoning Appeals may, however, in reviewing a special exception application, permit the clustering of special congregate facilities if it is determined that the location of such uses will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(2930) Swim and tennis clubs.

- a. Use districts: Rural; Rural Residential; Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Manufactured Home Park; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density; Office and Institutional; Neighborhood Commercial; Rural Commercial, L-I Light Industrial.
- b. There shall be a minimum fifty (50) foot setback between clubhouses, swimming pools, lighted tennis courts, or athletic fields and adjacent residentially zoned or used property.

- c. Lights shall be positioned so as not to shine onto adjacent properties.
- d. Swimming pools shall be protected by a fence or equal enclosure, a minimum of four (4) feet in height and equipped with a self-closing gate provided with hardware for permanent locking.

~~(3031)~~ *Tattoo Facilities.*

- a. Use districts: General Commercial.
- b. The applicant must receive a license from the South Carolina Department of Health and Environmental Control (SCDHEC) to operate the facility.

~~(3132)~~ *Textile product mills.*

- a. Use districts: LI Light Industrial.
- b. Any building used for the manufacture of textile products shall be no greater than thirty thousand (30,000) square feet in gross floor area.
- c. Operations standards set forth in Section 26-178 of this chapter shall be examined in detail during the special exception review process.

~~(3233)~~ *Theaters, motion picture, drive-ins.*

- a. Use districts: Rural Commercial; General Commercial; LI Light Industrial.
- b. Drive-in theaters shall be located a minimum of one hundred (100) feet from any property zoned or utilized for residential purposes.
- c. Access shall be provided from thoroughfare or collector roads.

~~(3334)~~ *Theaters, motion picture, other than drive-ins.*

- a. Use districts: Neighborhood Commercial.
- b. Buildings shall have a maximum seating capacity of three hundred (300) seats.

~~(3435)~~ *Transportation equipment.*

- a. Use districts: LI Light Industrial.
- b. Any building used for the manufacture of transportation equipment shall be no greater than thirty thousand (30,000) square feet in gross floor area.
- c. Operations standards set forth in Section 26-178 of this chapter shall be examined in detail during the special exception review process.

(3536) *Waste collection, hazardous.*

- a. Use districts: Heavy Industrial.
- b. Compliance with state and federal regulations is required.
- c. Access shall be provided only onto thoroughfare and collector roads.
- d. Operations shall be located no closer than one hundred (100) feet to any adjacent property line.

(3637) *Waste treatment and disposal, hazardous.*

- a. Use districts: Heavy Industrial.
- b. Compliance with state and federal regulations is required.
- c. Access shall be provided only onto thoroughfare and collector roads.
- d. Operations shall be located no closer than one hundred (100) feet to any adjacent property line.

(3738) *Zoos and Botanical Gardens.*

- a. Use districts: Rural District; Office and Institutional; Rural Commercial.
- b. There shall be a minimum one hundred (100) foot setback between all activities associated with the use and any adjacent residential property.
- c. All zoos and botanical gardens shall have primary access to collector or thoroughfare roads.

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

SECTION VI. Effective Date. This ordinance shall be enforced from and after _____, 2008.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE ____ DAY

OF _____, 2008

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: February 19, 2008 (tentative)
Public Hearing: March 4, 2008 (tentative)
Second Reading:
Third Reading:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-08HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE VII, GENERAL DEVELOPMENT, SITE, AND PERFORMANCE STANDARDS; SECTION 26-180, SIGNS; SO AS TO CREATE A NEW SECTION THAT WOULD ALLOW DIGITAL DISPLAY DEVICES.

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

SECTION I. The Richland County Code of Ordinances, Chapter 26, Land Development; Article VII, General development, Site, and Performance Standards; Section 26-180, Signs; is hereby amended to create a new section to read as follows:

- (p) *Changeable copy signs.* A sign that can be changed at intervals by electronic or mechanical process, or a sign using light emitting diodes (LED) shall only be permitted with the following restrictions.
 - (1) The message must not change displays over a period of not less than ten (10) seconds, with all moving parts or illumination moving or changing simultaneously; and the sign cannot display any illumination that moves, appears to move or changes in intensity during the static display period. No auditory message or mechanical sounds may be emitted from the sign. Further, any such sign shall contain a default design that will freeze the sign in one position if a malfunction occurs.
 - (2) Such sign shall only be allowed within the GC, M-1, LI and HI zoning districts.
 - (3) Each outdoor advertising structure shall have no more than one (1) digital display per direction with a maximum of two (2) signs per structure. Further, no cut outs shall be permitted. Images shall be confined to the digital sign face.
 - (4) All digital signs shall be modulated so that from dusk to dawn, the brightness shall not be more than 1,000 NITS (candles per square meter).
 - (5) New locations for signs under this subsection (as opposed to conversions of existing signs) shall not be permitted within two hundred (200) feet of a residential zone. Conversion of existing signs to a sign permitted under this subsection shall not be permitted within seventy-five (75) feet of a residential zone. No two such signs shall be closer than five thousand (5,000) feet distance apart measured in all directions regardless of the zoning jurisdiction in which the sign is located.

- (6) Such signs shall be permitted only along four-lane or more arterial roadways as defined in Section 26-22.
- (7) Such signs shall not be permitted inside the boundaries of any Historic District as defined by the National Historic Register.
- (8) Evidence must be presented to show that the applicant had already removed three (3) existing legal nonconforming off-premise signs since July 1, 2005.

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 enforced from and after _____, 2008.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE ____ DAY
OF _____, 2008

Michielle R. Cannon-Finch
Clerk of Council

First Reading: February 19, 2008 (tentative)
Public Hearing: March 4, 2008 (tentative)
Second Reading:
Third Reading:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-08HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE VII, GENERAL DEVELOPMENT, SITE, AND PERFORMANCE STANDARDS; SECTION 26-180, SIGNS; SO AS TO CREATE A NEW SECTION THAT WOULD ALLOW DIGITAL DISPLAY DEVICES.

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

SECTION I. The Richland County Code of Ordinances, Chapter 26, Land Development; Article VII, General development, Site, and Performance Standards; Section 26-180, Signs; is hereby amended to create a new section to read as follows:

- (p) *Changeable copy signs.* A legal nonconforming off-premise sign in a Commercial, Manufacturing, and/or Industrial district may be replaced in whole or in part by surface area changeable static images controlled by electronic communications (hereinafter digital), as provided by this subsection.
- (1) A permit to replace legal nonconforming off-premise sign display surface area with digital surface area shall first be obtained as provided in Section 26-180(a)(2).
 - (2) A digital sign, as provided by this subsection, shall not be considered flashing or blinking for the purposes of this subsection when the copy shall remain fixed for a period of at least six (6) seconds between changes. The interval between copy changes shall be no longer than one (1) second.
 - (3) Digital signs shall not include animated, continuous, moving, rolling, or scrolling messages or video displays.
 - (4) Digital signs shall have an automatic dimmer and a photo sensor to adjust the illumination intensity or brilliance of the sign so that it shall not cause glare or impair the vision of motorists, and shall not interfere with any driver's operation of a motor vehicle. In addition, a digital sign shall not exceed a maximum illumination of seven thousand five hundred (7,500) nits (candelas per square meter) during daylight hours and a maximum illumination of five hundred (500) nits between dusk and dawn as measured from the sign's face at maximum brightness. Digital signs shall not be permitted within three hundred (300) feet of any residential district towards which the sign is oriented.
 - (5) The digital sign permissibility allowed pursuant to this subsection does not include the replacement of, or some other substantial alteration to, the sign support structure, except that existing metal sign support structures may be

replaced with new metal sign support structures pursuant to a permit to erect a digital sign.

- (6) A digital sign may be reestablished after damage or destruction by an act of God, where the estimated expense of reconstruction does not exceed fifty (50%) percent of the appraised replacement cost of the sign structure, exclusive of the value of any digital display device.
- (7) There shall be one thousand (1,000) feet spacing between digital signs on the same side of the road; there shall also be one thousand (1,000) feet spacing between digital signs on the opposite side of the road if the digital signs are facing the same direction.
- (8) Digital signs shall only be allowed on arterial streets, as defined in Section 26-22.

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 enforced from and after _____, 2008.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE ____ DAY
OF _____, 2008

Michielle R. Cannon-Finch
Clerk of Council

First Reading: February 19, 2008 (tentative)
Public Hearing: March 4, 2008 (tentative)
Second Reading:
Third Reading:

Richland County Council

Rules and Appointments Committee



Mike Montgomery
Chair
District Eight

Paul Livingston
District Four

Bill Malinowski
District One

Staffed by:

Monique Walters
Assistant to the Clerk of
Council

RICHLAND COUNTY COUNCIL REGULAR SESSION MEETING FEBRUARY 19, 2008

REPORT OF THE RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF VACANCIES ON BOARDS, COMMISSIONS, AND COMMITTEES

- A. Accommodations Tax Committee-1
There is one term expiring on this committee.

Ken Ivey (Hospitality) February 21, 2008

II. NOTIFICATION OF APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

- A. Business Service Center Appeals Board-4
There is one appointment to be made to this Board; one application was received from the following person.

Edward B. Latimer, Attorney

- B. Employee Grievance Committee-2
There are two appointments to be made to this committee for two expired terms; no applications were received.

- C. Internal Audit Committee-1
There is one appointment to be made to this committee for an expired term; no applications were received.

III. DISCUSSIONS

- A. Presentations
- B. Motion Period

Report prepared and submitted by:
Monique Walters, Assistant to the Clerk of Council



APPLICATION FOR SERVICE ON RICHLAND COUNTY
COMMITTEE, BOARD OR COMMISSION

Applicant must reside in Richland County.

Name: Edward B. Latimer
Home Address: 6617 Macom Road
Telephone: (home) 803-776-4765 (work) 803-530-1883 (Cell)
Office Address: 7356 Garners Ferry Rd - Suite 117
Email Address: Dick104A@aol.com
Educational Background: BS - MS - JD
Professional Background (Must be one): CPA Attorney Business person
Male Female Age: 18-25 26-50 Over 50
Name of Committee in which interested: Business Service Center Appeals Board
Reason for interest: semi-retired - available time
for public service.
Your characteristics/qualifications, which would be an asset to Committee/Board/ Commission:
(resume may also be submitted) Lawyer since 1951
former Asst. S.C. Attorney General
Presently serve on any County Board/Commission/Committee? No
Any other information you wish to give? former - Pres/Exec. Comm. S.C.
Democratic Party
Recommended by Council Member(s): —
Hours willing to commit each month: 25 needed

CONFLICT OF INTEREST POLICY

It is the policy of Richland County to require disclosure of any personal or financial interest that may be influenced by decisions of the board for which any citizen applies for membership.

Such conflict of interest does not preclude service but shall be disclosed before appointment. The Clerk of Council shall be notified of any change on an annual basis and members of all boards shall be required to abstain from voting or influencing through discussion or debate or any other way, decisions of the board affecting those personal and financial interests.

All statements so filed shall be signed and verified by the filer. The verification shall state that the filer has used all reasonable diligence in its preparation, and that to the best of his or her knowledge it is true and complete.

Any person who willfully files a false or incomplete statement of disclosure or no change of condition, or who willfully fails to make any filing required by this article, shall be subject to such discipline, including censure and disqualification from the Board or Commission, as the County Council, by majority vote of the council, shall elect.

STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the board?

Yes _____ No

If so, describe: _____

S. B. Gastner
Applicant's Signature

2/7/08
Date

Return to:
Clerk of Council, Post Office Box 192, Columbia, SC 29202.
For information, call 576-2060.

One form must be submitted for each committee on which you wish to serve.

Applications are current for one year.

Staff Use Only	
Date Received: _____	Received by: _____
Date Sent to Council: _____	
Status of Application: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> On file	

**Law Firm of:
Edward Brandt Latimer
Attorney & Counsellor at Law**

**7356 Garners Ferry Road
Columbia, South Carolina 29209-2146**

Phone -- 803-776-4765

Fax -- 803-776-3321

E-Mail -- Dick1040A@aol.com

Law Firm of:
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Attorney & Counsellor at Law

11

6617 Macon Road
Columbia, South Carolina 29209

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Fax - 803-~~783-0849~~ 776-3321
E-Mail - Dick1040A@aol.com

7356 Garners Ferry Road
Columbia, South Carolina 29209

United States Army - World War II - Army Air Corps

College of Charleston, South Carolina: B.S. - 1948

University of South Carolina, Law School: LL.B. - 1951
Juris Doctor - 1970

National Defense University - NSM - 1992

Private Law Practice, Columbia, S. C.: 1951 - 1961

United States - Office of P. S. - Legal Counsel - 1951-1952

State of S. C., Assistant Attorney General: 1961 - 1979

Legal Counsel for:

Governor

Lt. Governor

S. C. Wildlife & Marine Resources Commission

S. C. Water Resources Commission

S. C. State Budget & Control Board

S. C. General Services Division

Atlantic States Marine Fisheries Commission

S. C. Patriots Point Authority (Yorktown Aircraft Carrier)

S. C. Public Service Authority (Santee-Cooper)

Admitted to practice:

All S. C. Trial Courts

S. C. Supreme Court

U. S. District Court, S. C.

U. S. Court of Appeals, 4th Cir.

U. S. Supreme Court

U. S. Court of Military Appeals

Member:

Phi Alpha Delta National Law Fraternity

Richland County Bar Association

Lexington County Bar Association

South Carolina Bar Association

American Bar Association

Federal Bar Association

National District Attorneys Association

International Fish, Game & Conservation Association,

Chairman, Legal Committee - (former)

Southeastern Fish, Game & Conservation Association,

Chairman, Legal Committee - (former)

International Torch Club - President (Cola.); IATC Bd. of Dir.

Clemson University - Water Resources Research Institute - (former)

Democratic Party - Executive Committeeman

Lions Club - President

Lecturer: (former)

S. C. Highway Patrol Training School

S. C. Wildlife Conservation Officers Training School

S. C. Criminal Justice Academy

Univ. of S. C., Law School - Environmental Law

Clemson Univ. - Environmental Law

Presbyterian Church - Ruling Elder - Trinity Presby.
Scoutmaster

Married - Two Children

1979 to Present:

Private Law Practice

Colonel
Judge Advocate General
S. C. State Guard



Law Firm of:
Edward Brandt Latimer
Attorney & Counsellor at Law

#3

6617 Macon Road
Columbia, South Carolina 29209

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Fax - 803-~~703-8849~~-776-3321
E-Mail - Dick1040A@aol.com

7356 Garners Ferry Road
Columbia, South Carolina 29209

As general legal counsel for the said State agencies I performed the following duties:

1. I was in charge of all civil and criminal administrative and trial work in all courts. I prepared and issued all law opinions and all legal instruments. I handled all personal and real property leases, purchases and sales. I handled all State liability insurance matters.
2. I was in charge of all Habeas Corpus proceedings, post-conviction proceedings and criminal appeals in all State and Federal Courts, involving the S. C. Penitentiary System and all county prison systems.
3. I was in charge of all Tidelands, Submerged Lands, Navigable Waters, Coast, Ocean and Continental Shelf matters. I handled all matters pertaining to the issuance of State and Federal permits relating to the navigable waters. I handled the continental shelf case of U. S. Versus Maine, S. C., et al, in the U. S. Supreme Court from 1965 until 1975.
4. I acted as legal and trial counsel representing the State, its officers and instrumentalities in actions brought in their behalf, and acted as defense counsel in the defense of the State, its officers and instrumentalities.
5. I advised administrative officials on policy questions and operating problems having legal implications. I drafted opinions of statutes, legislation, reports, agency goals, programs, procedures, rules, regulations, methods of operation and effectiveness of operation.
6. I advised the Governor, Executive Department and General Assembly in the preparation of and drafting of legislation, and rendered to them legal opinions upon questions of law, and other ancillary matters.
7. I advised and counseled State officials in the performance of their official duties and rendered legal opinions as the need arose.
8. I tried complex and difficult cases involving large sums of money, far reaching legal problems and establishment of legal precedents for future observance by State departments.
9. I defended officials, officers and employees of the State and its instrumentalities in prosecutions arising from acts of omission and commission in the performance of their official duties.
10. I prepared, argued and tried cases in the State Magistrate Courts, State County Courts, State Circuit Courts, S. C. Supreme Court, the Federal District Courts, the U. S. Courts of Appeals, the U. S. Supreme Court, and in various courts of Georgia and North Carolina. I tried approximately 200 cases before the S. C. Supreme Court.
11. I gave advice and opinions concerning the common law, case law, statutory law, judicial procedure, rules of evidence, facts, guidance and legal instruments.
12. I maintained effective working relationships with officials, officers, employees, the general public and other persons within the course of work.
13. I represented the State, and various State agencies, in various civil and criminal actions in all State and Federal Courts. I had working relationships and contacts with all State agencies, all County and Municipal agencies, all courts of the State and U. S., all State and Federal judges, and all elected and appointed officials and officers. I had supervisory responsibility for six staff attorneys and five private attorneys as associate counsel.

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As general legal counsel (county attorney) for county government

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I represent the county, its officers, officials and subdivisions, in all legal matters and litigation. I give them legal advice and opinions.

- c) Order- the agenda shall consist of the following categories of business, to be taken up by the Chair in the order listed.
- 1) Invocation.
 - 2) Pledge of Allegiance
 - 3) County Attorney's Report of Executive Session items: Council shall move to take action or to receive as information each item to be discussed in executive session.
 - 4) Adoption of agenda: a two-thirds majority vote, of those present, is required to adopt the agenda.
 - 5) Citizen input: Each citizen who has "signed up" to speak before Council may do so for up to 2 minutes; provided, however, the entire citizen input time shall not exceed 30 minutes. Input must pertain to items on the agenda for which no public hearing is required or has been scheduled. Any material that a citizen intends to present to Council, including audio and visual presentations, must be approved by the Clerk of Council prior to the meeting. Exceptions may be made with the consent of a simple majority of those Council members present.
 - 6) Approval of minutes of previous meetings: a simple majority vote of Council is required to approve minutes. If there are corrections or amendments to the minutes, they may be approved as corrected or amended. Motions to reconsider, rescind, or expunge from the record any previous action must be made prior to adoption of the relevant minutes and any such motion will be placed on the Agenda's Motion Period for debate. Only when an item is expunged can it be reconsidered during the Motion Period. The adopted minutes shall note the motion to reconsider, rescind, or expunge.
 - 7) Report of County Administrator: The County Administrator shall make recommendations or announcements concerning county affairs; but no action shall be taken on any item without proper notice, except in case of extreme emergency.
 - 8) Report of Clerk of Council: The Clerk of Council shall make announcements, if any, concerning county affairs.
 - 9) Presentations: Individuals and/or groups wishing to give a presentation before Council must submit, in writing, the content of the presentation to the Clerk's office prior to 12 noon on the Friday immediately preceding the Council meeting. Presentations that are intended as a request for funding shall not be permitted. In addition, presentations (including the presentation of a Resolution to an individual or a group) shall only appear on the Council agenda for the meeting held on the third Tuesday of each month. No more than two presentations shall be on the agenda, unless by unanimous consent Council allows for more than two. Presentations shall be limited to five (5) minutes per presentation. Questions and answers must be included within the five (5) minute time frame.
 - 910) Public Hearings: Each citizen who has "signed up" may speak to Council concerning an item for which there is a public hearing for up to 2 minutes; provided, however, the entire public hearing time for any one item shall not exceed 30 minutes. Any material that a citizen intends to present to Council, including audio and visual presentations, must be approved by the Clerk of

Council prior to the meeting. Exceptions may be made with the consent of a simple majority of those Council members present.

- ~~10~~11) Consent items: Items shall consist of those matters that do not require further discussion by Council that have been forwarded to Council by the unanimous vote of the Committee. Any member of Council can remove an item from the Consent Agenda prior to adoption of the agenda. The Chair has the discretion to place items on the Consent Agenda, if in the judgement of the Chair, those items are unlikely to be debated.
- ~~11~~12) Third reading: final approval of Ordinances.
- ~~12~~13) Second reading.
- ~~13~~14) Requests by Council members: items may include those that were defeated (or deferred beyond 90 days) by committee and reintroduced by three Council Members' signatures.
- ~~14~~15) Second Citizen Input: Any citizen who wishes to introduce an item for consideration not currently under Council's consideration or bring a concern to Council's attention may speak for no more than two minutes; provided, however, the entire second citizen input time shall not last longer than 30 minutes. Items for which a public hearing is required or has been scheduled cannot be addressed at this time. Exceptions may be made with the consent of a simple majority of those Council members present.
- ~~15~~16) Motion period/Announcements: Any Council member may make an announcement or introduce an item (including resolutions and ordinances) for referral to a Committee. However in addition, any Council member may wishing to make a motion during the "motion period" must have submitted a written request to the Clerk's Office prior to noon on the Friday before the scheduled Council meeting so that the nature of the motion appears on the agenda. for the approval of a resolution or to give first reading approval to an ordinance. Such Motions for resolutions and ordinances may be referred to a Committee for further deliberation or, by unanimous consent, the resolution shall be deemed adopted or the ordinance may be sent forward for second reading. Further, any Council member may make a motion directing the county administrator to take action on a county-related matter; and upon approval of a majority of members present and voting, the county administrator shall act upon the directive given.
- ~~17~~) Pending Items: Issues that have been raised by a Council member, in which a response is expected from staff, shall be listed on the agenda along with an expected time in which to receive such response.
- ~~16~~18) Adjourn.

- d) Additions - A request to add items to the agenda requires a two-thirds vote of those Council members present.

RULES II: THE CHAIR

2.1 Call to Order

The Chair shall call Council meetings to order at 6:00 p.m. or as soon thereafter as practical on the first and third Tuesday of each month and, if a quorum is present, proceed to the meeting agenda.